

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION 1

38796-4

PERSONAL RESTRAINT
PETITION OF:

VERNON JACKSON

Case No.:

PERSONAL RESTRAINT
PETITION

83684-1

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2009 JAN 22 PM 1:01

I. STATUS OF PETITIONER

Vernon Jackson, DOC No. 283484 (hereinafter "Petitioner" or Jackson) applies for relief from restraint. He is now incarcerated at Monroe Correctional Complex, WSR Unit, serving a life sentence under the jurisdiction of the Department of Corrections (DOC) and the Indeterminate Sentence Review Board.

The court in which he was sentenced is Pierce County Superior Court, Cause No. 81-1-01316-5 Exhibit 1, Judgment and Sentence

1. Petitioner was convicted, on plea of guilty, of the crimes of Robbery in the First Degree

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2. The sentencing Judge was Hon. Gary Steiner
3. Petitioner's lawyer at sentencing was Frederick Flemming
4. Petitioner did not appeal the decision.
5. Petitioner has filed the following collateral attacks, which were filed and terminated prior to the cause of action arising from the disciplinary hearing at issue in this petition: No. 32745-7-II; 19984-0-II; 20049-0-II.

II. GROUNDS FOR RELIEF

This petition is filed pursuant to RAP 16.4(c)(2). No other remedies are available to the Petitioner. Petitioner's restraint is unlawful because the Department of Corrections conducted a disciplinary proceeding in which it did not allow Jackson to present exculpatory documentary evidence and witness statements; did not provide an adequate written statement of the evidence relied upon; did not review the confidential information or find the confidential source reliable and the confidential information credible; and found Jackson guilty of an infraction when there was no evidence to support the finding, resulting in a loss of good time and constituting a violation of the laws of Washington and of his due process rights under the fourteenth amendment to the United States Constitution and Article 1, Section 3 of the Washington State Constitution. As a result of DOC's violation of petitioner's due process rights, he has suffered actual prejudice.

III.

SUMMARY OF THE CASE

A. PROCEDURAL HISTORY

DOC served petitioner a "Disciplinary Hearing Notice/Appearance Waiver form on 12/7/07. Exhibit 2 A disciplinary hearing was held on 12/12/07 and the Hearing Minutes and Findings were issued on the same day. Exhibit 3. Petitioner was found guilty. Petitioner appealed the finding of guilt on 1/8/08 and the Disciplinary Hearing Appeal Decision, affirming the guilty finding, was issued on 1/23/08. Exhibit 4

B.

STATEMENT OF FACTS

On 12/7/07 DOC served Jackson with a Disciplinary Hearing Notice/Appearance Waiver, charging him with "606 Possession, introduction or transfer of any tobacco products, matches, or tobacco paraphernalia." ¹

Exhibit 2 The "Initial Serious Infraction Report" described the infraction:

During the course of a HQ Special Investigation Unit (SIU) investigation of staff misconduct at MICC, information was received and evidence recovered that the staff member under investigation was introducing contraband into MICC. This staff member turned over one carboard (sic) box of contraband to the SIU unit that contained eight (8) large Top tobacco boxes. 10 (10) cans of Grizzly chew tobacco, one (1) large Tin of Top tobacco, five bags of plastic wrapped tobacco and five packages of rolling papers. This staff member stated that she had been wired several hundred dollars for contraband she was to introduce to MICC. I, knowing offender Jackson's voice overheard offender Jackson and his sister ex-DOC offender Sheila Henley #951670 talking about how this staff had picked up the money and were mad that the deal had not been completed by the staff. Offender Jackson and Ms. Henley were also overheard talking about other

¹ WAC 137-25-030, Category C - Level 3 serious infraction.

money sent to Ms. Henley by at least 6 other offenders at MICC adding up to hundreds of dollars. Exhibit 5

The Infraction Report form indicated that "This Infraction serves as both notice and summary of confidential information." Id. The infraction report does not indicate the date of the overheard conversation, nor does it indicate how many conversations were overheard.

An infraction hearing was held on 12/12/07. Jackson was found guilty of the infraction, based on "the infraction report, SIU investigator stating that he heard and could identified (sic) the offenders (sic) voice conspiring to introduce contraband." Exhibit 3, "Disciplinary hearing Minutes and Findings" The hearing officer sanctioned him to 5 days loss of good conduct time. Id.

At the hearing, the hearing officer (H/O) advised Jackson that Jackson had the right to review all related reports and confidential information. He indicated that the written report would serve as the confidential information. Exhibit 6², Hearing Transcript at 2

The hearing officer told Jackson that "[The infraction is based on Mr. Baxter's³ verifying that's your voice, that you were the one talking about conspiring to bring in contraband." Id. at 18

Jackson's defense, as it appears on the "Hearing Minutes and Findings" consisted of the following, "Not guilty. Mr. Jackson *wanted* to read a statement into the record." Exhibit 3 (Emphasis added) The transcript shows that

² The Transcript shows the incorrect date for the hearing. It should read "12/12/07."

³ The investigator who signed the Initial Serious infraction Report.

Jackson did, in fact, read a statement into the record. Exhibit 6 at 5 Written copies of the statement were made and submitted to be part of the record. Id. at 11 Exhibit 7 Written defense statement.⁴

The transcript of the hearing (and submitted written statement) indicates that the essence of Jackson's defense was that he had entered into a financial arrangement with another inmate known as "Domino" (real name is Swirczynski)⁵ for the production of his, Jackson's, webpage. See Exhibit 6, Exhibit 9, Declaration of Vernon Jackson.⁶ It turned out that, unknown to Jackson, Domino was running a contraband scheme with a corrections officer named Melissa Hopkins.⁷ Jackson's sister sent a money order to a post office box to be picked up by Domino's family in exchange for production of webpage designs. Exhibit 6 at 5-6; Exhibit 9. That money order was cashed by Melissa Hopkins. Exhibit 6 at 10.

As described by Jackson, he had been introduced to Domino by another inmate "at the law library...He (Domino) stated that once the money was there his family would get on it as far as my web pages." Id. at 5-6 Jackson wanted the web page project to be finished by January 16, 2008, the date he was to see the Board⁸ for a parolability hearing. Id. at 7; Exhibit 9 When Jackson discovered that the money order sent to Domino's family had not been picked

⁴ The submitted written statement reflects only a portion of his oral statement at the hearing Exhibit 6 at 9

⁵ The inmate known as "Domino" is offender Swirczynski Exhibit 8, C-prison Special 5990/5256 Supervision Closure

⁶ Jackson has submitted a Declaration with this petition that includes documentation of the dating service webpage project he was working on.

⁷ See DOC investigative records, Exhibit 10

⁸ The Indeterminate Sentence Review Board. Jackson is a pre-SRA inmate under their jurisdiction.

up, his sister asked the bank to put a tracer on the money order, which ultimately led to the discovery that a "Melissa Hopkins" had signed the money order. Id. at 10; Exhibit 9⁹ There were two transactions involved, both regarding Jackson's webpage deal. Exhibit 6. at 6 – 7 He was given a P.O. Box number under the name of T.M. Scott to send the money order to. Id. at 6 The unintended recipient of the money order (CO Hopkins) took Jackson and his sister by surprise. Id. at 11, Exhibit 9¹⁰
(Declaration)

At the hearing, Jackson asked several times to see, hear and review the audio recordings of the "overheard" conversation. For example, he made the following request for documentary evidence:

I said I'd like [recording of his conversation] at this hearing. I said where in any testimony of supplemental staff statement that states any of their product directly or indirectly involves me as it being paid for by me or that product was to come to me whatsoever. Or for that matter, [Melissa Hopkins] received any wire from me or my sister for possession or any transfer of any tobacco whatsoever." I'd like to see that statement that has something to do with me or my sister that's involved in that." Exhibit 6. at 15

Jackson went on to claim that "you could listen to my phone recordings you won't hear none of that at all of me stating anything about staff supposed to be picking up some money." Id. at 16 Jackson stated, in his defense, that any reference to his discussing "staff" or referring to "staff in any conversation with his sister was a lie. Exhibit 6 at 12; Exhibit 9.

⁹ The Declaration includes a copy of the cashed money order.

¹⁰ The Declaration includes a copy of a police report filed by Jackson's sister

Prior to the hearing, Jackson sent kites to the Superintendent and the investigator, protesting his innocence and requesting a polygraph test. Exhibits 11 and 12. Prior to the hearing, the Superintendent sent Jackson a memo indicating that, "A lie detector test may be in order, and if so, it will be coordinated by the IIU office." Exhibit 13, Memo from Supt. to Jackson.

Also prior to the hearing, Jackson sent a kite to the hearing officer requesting that the audio recording of the overheard phone conversation be made available to him. The hearing officer replied after the hearing date, stating that the hearing had been held. Exhibit 14 Jackson also requested that investigator Baxter, the author of the infraction report, be present. Exhibit 15, Inmate's Kite

The hearing officer denied all requests for audio recordings and told Jackson he would have to request the recording through public disclosure.¹¹ Exhibit 6 at 13 He also denied all requests for a polygraph test. Id. at 15

The hearing officer stated that "all I have to have is some evidence ...some evidence simply says if staff said you did this." Id. At the conclusion of the hearing, the hearing officer found Jackson guilty.

DOC refused to disclose the recordings of the overheard conversation. Exhibit 16, Letter dated 7/11/08; Exhibit 9, Declaration. However, subsequent to the hearing, the Superintendent, in response to a letter from Jackson requesting preservation and protection of the recordings involved in the investigation, indicated that he had directed Chief Investigator George Gilbert to preserve any

¹¹ Jackson has also, unsuccessfully, made numerous requests to DOC for public disclosure of the recordings. Exhibit 9, Declaration

evidence he may have concerning the investigation. Exhibit 17, Memo from Van Boening to Jackson

Jackson appealed the decision. A Disciplinary Hearing Appeal decision was issued on 1/23/08. Exhibit 4 The superintendent's designee summarized Jackson's argument on appeal, which was that the money had not been intended for Hopkins. Id. In summarizing the evidence, the superintendent's designee stated:

Staff member under investigation was introducing contraband into MICC. This staff member stated that she had been wired several hundred dollars for contraband she was to introduce to MICC. You were overheard talking to your sister Sheila Henley about how this staff had picked up the money and were mad that the deal had not been completed by the staff. You and Ms. Henley were also overheard talking about other money sent to Ms. Henley by at least 6 other offenders adding up to hundreds of dollars. Id.

Through a public disclosure request¹² for everything on the infraction investigation that would link Jackson to CO Hopkins and the contraband, DOC provided the following information¹³:

An email was sent from investigator Gilbert to investigator Baxter concerning one telephone call between Jackson and Henley on 10/16/07. According to the investigator, in that telephone call, Jackson and his sister talked about a money order that was cashed by Melissa Hopkins and [Jackson's sister] was upset and stated that she should file charges with the police. There is a reference to another inmate being in the "hole." "Jackson then puts another

¹² Exhibit 18, Letter from DOC Public Disclosure Specialist to attorney for petitioner, dated 7/18/08.

¹³ DOC provided two pages of investigative notes (See Exhibit 10) and a copy of an internal DOC email between investigators Gilbert and Baxter. (See Exhibit 19)

offender on the phone who tells her the inmate is in the hole." Exhibit 19, email dated 10/19/07¹⁴

DQC also produced an "investigative note" that indicates that a confidential source says that Jackson "*might* also be involved in the receiving of contraband from CO Hopkins...During *conversations* overheard [between Jackson and Henley] it became clear that the two were involved in a business involving other offenders at MICC. ...During one conversation [Jackson and Henley] talked about money sent by Western Union and picked up by CO Hopkins.¹⁵ Later in the conversation they were upset about the deal because *they had never received the merchandise*. Conversations were also overheard between offender Grantham and his brother Robert. [In one conversation, Grantham told Robert to make sure it was *wrapped*. Grantham's conversation also included talk about] getting the coffee and dropping it off to the girl. When CO Hopkins turned over the contraband to HQ SIU a jar of coffee was included which contained marijuana. This delivery of contraband was dropped off by a man using Robert Grantham's phone number for contact [and fit Grantham's description]...Jackson was infracted for introduction of tobacco. Exhibit 10 Investigative Note, (Emphasis added)

The investigative note concludes that Information and evidence received from CO Hopkins and subsequent confirmation by offender Swirczynski (Domino) confirms the introduction of tobacco for profit to MICC. Both CO Hopkins and

¹⁴ In his Declaration (Exhibit 9), dates his phone call on 10/22/07; nevertheless, Jackson disputes the information reported by the investigator

¹⁵ Money was wired to Jennifer Balmer and never picked up. Exhibit 6 at 10; Exhibit 9, Declaration

offender Swirczynski state that CO Hopkins made money bringing in contraband. CO Hopkins stated it was in the low hundreds of dollars and Swirczynski claimed it was in the thousands. Id.

"Both CO Hopkins and offender Swirczynski acknowledge an emotional relationship...Other parties confirmed to [have been involved in the contraband introduction scheme include Jackson]."¹⁶ Id.

The investigative note includes a list of attachments. None appear to be relevant to Jackson and the contraband with the exception of " letters and notes from offender Swirczynski to CO Hopkins."¹⁷

IV. ARGUMENT

INTRODUCTION

Jackson's disciplinary hearing was fundamentally unfair, because the evidence submitted at the hearing and appearing on the record do not meet the "some evidence" standard required under due process. There is no evidence linking Jackson to the introduction of tobacco.

Jackson was found guilty of the introduction of tobacco into prison solely on the basis of a confidential report by DOC staff that he (staff) overheard a telephone conversation involving Jackson. No dates, time and number of conversations were indicated. The hearing officer did not make a finding of

¹⁶ No report indicates who confirmed Jackson's involvement.

¹⁷ The investigative note lists attachments; however, DOC did not disclose the content of these documents.

the credibility of confidential information or reliability of the sources. In addition, the hearing officer made no determination of the risk to the institution that providing the source would cause. Nothing on the record indicates that the hearing officer reviewed the confidential information. As a result, all of the confidential information should be removed from the record of the hearing.

When Jackson requested that documentary evidence to be introduced that would rebut and defeat the accusations, the hearing officer denied the request and gave no reasons, in violation of due process.

The hearing officer did not summarize the testimony or make a written statement of the evidence on which to base a guilty finding. The guilty finding was based on a conclusory statement by the hearing officer that in the infraction report, staff overheard a conversation that showed that Jackson was guilty of committing an infraction.. As a result of the failure of DOC to make a sufficient record of the evidence relied on to find petitioner guilty of an infraction, the hearing process was arbitrary and capricious, in violation of minimal due process, resulting in actual and substantial prejudice.

Jackson requested that the overheard recording be provided, as documentary evidence. DOC investigative reports show that other inmates and a corrections officer, but not Jackson, were involved in the infraction, yet DOC would not produce the documented evidence (recordings) that would show Jackson's innocence. It is an abuse of discretion to have documentary evidence that would absolve an inmate and yet not review or produce it.

As a result of the violation of Jackson's right to minimum due process, Jackson lost good time days and therefore suffered actual prejudice.

A. STANDARD OF REVIEW

A petitioner is entitled to full collateral review of a conviction or sentence if the petitioner proves actual prejudice from a constitutional error or nonconstitutional error which inherently results in a complete miscarriage of justice. In re Gronquist, 138 Wn.2d 388, 396, 978 P.2d 1083 (1999), citing In re Cook, 114 Wn.2d 802, 813, 792 P.2d 506 (1990). A personal restraint petition must be supported by facts or evidence upon which the petitioner's claim of unlawful restraint is based and not solely on conclusory allegations. Id. Review of prison disciplinary hearings is properly limited to a determination of whether the action taken was so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding. In re Dyer, 143 Wn.2d 384, 395, 20 P.3d 907 (2001), citing In re Reismiller, 101 Wn.2d 291, 294, 678 P.2d 323 (1984). Disciplinary proceedings are not arbitrary and capricious if there is "some evidence", i.e. any evidence that the infraction occurred. In re Leland, 115 Wn. App. 517, 534-35, 61 P.3d 357 (2003) citing Superintendent v. Hill, 472 U.S. 445, 455-56, 105 S.Ct. 2768, 86 L.Ed. 2d 356 (1985). See also, In re Reismiller 101 Wn.2d at 296

When evidence at a prison disciplinary hearing is rendered insufficient, the petitioner has proven actual and substantial prejudice

and the remedy is vacation of the infraction and restoration of lost good time credits. In re Leland, 115 Wn.App. 517, 537, 61 P.3d 357, 367 (2003), citing In re Krier, 108 Wn.App. 31, 43-45, 29 P.3d 720 (2001) Where the guilty finding is made in the absence of any attempt to connect the inmate to the evidence, that constitutes a prima facie showing of actual prejudice. In re Reismisler, 101 Wn.2d 291, 297, 678 P.2d 323 (1984).

B. DOC VIOLATED PETITIONER'S RIGHT TO MINIMUM DUE PROCESS

"A prisoner's statutory right to earn good time credits is a 'protected liberty interest in those credits which prevents their deprivation absent observation of minimum due process requirements.'" In re Leland 115 Wn.App. 517, 534, 61 P.3d 357, 365, citing In re Gronquist, 138 Wn.2d 388, 396, 978 P.2d 1083 (1999) (quoting In re Johnston, 109 Wn.2d 493,497, 745 P.2d 864 (1987)). Thus, Washington prisoners are entitled to minimum due process in serious infraction hearings where the sanctions include loss of good time credits. Id., citing In re Gronquist at 397 In the context of prison disciplinary hearings, minimum due process protections include, (1) advance written notice of the charged violations ; (2) the opportunity to present documentary evidence and call witnesses when not unduly hazardous to institutional security and correctional goals; and (3) after the hearing,

receipt of a written statement of the evidence relied on for the disciplinary action. In re Gronquist, 138 Wn.2d at 396

The evidentiary requirements of due process are met if there is "some evidence", i.e. any evidence that the infraction occurred. In re Leland, 115 Wn.App. 517, 534-35 supra, citing Superintendent v. Hill, 472 U.S. 445, 455-56, 105 S.Ct. 2768, 86 L.Ed. 2d 356 (1985).

"With respect to evidence used to reach a finding of guilt, 'In reaching a decision on guilt or innocence of the inmate, the hearing officer must rely solely on evidence considered at the hearing.'" In re Leland 115 Wn.App. at 366, citing In re Krier, 108 Wn.App.31, 45, 29 P.3d 720 (2001). "Unless the evidence relied on by the hearing officer is written into the record of the disciplinary proceeding, the requirement that the inmate be given a written explanation of the evidence relied upon by the hearing officer has been violated and the evidence cannot be reviewed effectively, administratively or judicially. The end result is that the inmate has been denied minimum due process under Wolff,¹⁸ Id

When confidential information is involved, WAC 137-28-290 and 300 provide much of the administrative framework. DOC must provide a summary of the confidential information, which may be contained within the infraction report to the offender before the hearing. WAC 137-28-

¹⁸ Wolff v. McDonnell, 418 U.S. 539, 94 S.Ct. 2963, 41 L.ed.2d 935 (1974)

290(2)(f)¹⁹ With regard to a confidential source of information, a hearing officer must conduct a thorough off the record review without the offender present WAC 137-28-300(7)(a)²⁰. The hearing officer must make an independent determination regarding the reliability of the confidential source, the credibility of the information, and the necessity of not revealing the source of the confidential information. The staff member presenting the information from a confidential source shall identify the source and the circumstances surrounding the receipt of the confidential information to the hearing officer, off the record. The hearing officer must determine whether the information is credible considering all relevant circumstances. WAC 137-28-300(7)(b). The hearing officer must also independently determine whether safety concerns justify nondisclosure of the source of the confidential information. WAC 137-28-300(7)(b) The reliability, credibility and safety determinations must be set forth on the record. WAC 137-28-300(7)(b)

The decision of the hearing officer "shall" include a "summary of the testimony and cross-examination." WAC 137-28-310.

1. Jackson was not allowed to present documentary evidence and call witnesses to rebut and defeat the charges and therefore DOC violated his minimum due process

¹⁹ Inmate has the right "To have access to nonconfidential reports and records used by the hearing officer during the fact-finding stage. However, where reports and records contain information that might reasonably compromise the security or safety of the institution or its inmates, these reports and records shall be identified as confidential and withheld. A summary of the confidential information shall be provided to the inmate. This summary may be included in the infraction report. WAC 137-28-290(2)(f)

²⁰ WAC 137-28-300, "Conduct of Hearing" is attached as Exhibit 20.

Minimum due process requires DOC to give the offender the opportunity to present documentary evidence. In re Gronquist, 138 Wn.2d at 396, supra. A staff report may typically satisfy the "some evidence" standard with respect to disciplinary hearings, "assuming the inmate was allowed to present requested evidence and that such evidence did not defeat guilt." In re Leland, 115 Wn.App., 517, 537, 61 P.3d 357 (2003). WAC 137-28-300(3) provides that the hearing officer may consider relevant evidence outside the hearing, but that the inmate shall be apprised of the extent of the evidence and shall be allowed to rebut that evidence during the hearing.

In Leland, the evidence consisted of a toxicology report. The court held that the offender's due process rights were violated where he was not allowed to rebut the report's validity by pursuing his claim that others had access to his specimen can. "In re Leland 115 Wn.App at 537. In Leland, the offender was found guilty of a 752²¹ infraction based on the toxicology report. He requested witness statements but none were produced. On administrative appeal he contended that proper collection procedures for the toxicology report were not followed. The evidence of improper procedures would have rebutted the validity of the toxicology report and defeated a finding of guilt. Id , Denial of witness statements is an arbitrary and capricious and a violation of an

²¹ Receiving a positive test for use of unauthorized drugs.

offender's due process rights "to *present documentary evidence* and call witnesses. And therefore, the hearing would not be fundamentally fair." In re Leland, supra, at 535, citing In re Reismiller 101 Wn.2d 291, 294, 678 P.2d 323 (1984). (emphasis added) The U.S. Supreme Court has held that if the prison does not allow the inmate to obtain witness statements, the prison officials must explain why the evidence is not allowed at the time of the hearing or "later." In re Leland 115 Wn.App. at 535, citing Ponte v. Real, 471 U.S. 491, 105 S.Ct. 2192, 85 L.Ed.2d 553 (1985). These authorities hold that due process requires DOC to allow an inmate to present documentary evidence and witness statements at a disciplinary hearing if the safety of the institution is not jeopardized. Where the evidence is not allowed, DOC must explain why. Where the disallowed evidence might rebut and defeat the charges, the inmate's due process rights have been violated.

In Jackson's case, prior to the hearing he requested the audio recording(s) which he claimed would exonerate him. Exhibit 14, Inmate Kite Throughout the hearing he asked to present the recording(s), again for the purpose of rebutting and defeating any evidence of guilt. Exhibit 6 at 12 ("I would like to be able to review and hear this evidence against me in person at this hearing"); at 13 (I would like to be able to review...against me in person...As that's what this allegation against me is all about a recording."); at 16-17 ("if you listen[to the tapes] you won't hear [anything] of me stating anything about staff supposed to

be picking up some money...”) Also, regarding introduction of tobacco, Jackson stated, “I’d like to see that statement that has something to do with me or my sister that’s involved in [introduction of tobacco]. Id at 14-15. Jackson even offered to take a polygraph test. Id. , Exhibit 13, Van Boening Memo

Jackson’s defense was that he got financially involved with an inmate for his webpage project and that he (Jackson) knew nothing about a staff member who was introducing contraband. The only evidence against Jackson was an unspecified conversation that was overheard that, by itself, did not implicate him in anything. DOC investigative reports, which are not part of the hearing record, confirm that the participants in the contraband scheme were Domino, the inmate Jackson had paid for webpage services, and CO Hopkins.

Given the undisputed fact that Swirczynski/Domino²² and Hopkins were involved in a contraband scheme, Jackson’s only way to rebut and defeat the evidence against him was to introduce the actual recordings of his phone conversations which would prove that he and his sister were not involved in Domino’s scheme with Hopkins. The documentary evidence would show that Jackson was innocently involved with an inmate known as Domino. The documentary evidence would also show that there was never any discussion of “staff” not

²² It is clear that DOC records show that Swirczynski uses “Domino” as an alias and, as per the investigative note, that Swirczynski was involved with Hopkins.

completing a deal. This evidence would rebut and defeat the charges against him, because nothing would establish any connection between Jackson and tobacco. See Exhibit 9, Declaration. Just as in Leland, where the offender was not allowed to rebut the toxicology report, Jackson was not allowed to rebut and defeat the report indicating an "overheard statement." There was a recording that would exonerate Jackson, which DOC could still produce, since the Superintendent instructed the Chief Investigator to preserve and protect the original recording. Exhibit 17

Since he was not allowed to provide this exculpatory documentary evidence and was given no explanation by the hearing officer other than the investigator's report of the conversation was sufficient, his rights to minimum due process were violated and he suffered actual prejudice.

2. The hearing officer did not review the confidential information, make a determination on the reliability of the source and credibility of the information, or determine that disclosure would raise institutional safety concerns and therefore DOC violated the evidentiary requirements of minimal due process.

Where confidential information is involved, "the hearing officer shall make an independent determination...regarding the reliability of the confidential source and credibility of the information. WAC 137-28-300 (7)(b). That rule lists several non exclusive factors to consider regarding

the credibility and reliability determination. The Ninth Circuit has held that in a prison disciplinary hearing, due process requires findings of reliability of the sources of the information and that safety considerations prevent disclosure of the informant's name. Zimmerlee v. Keeney, 831 F.2d 183, 186 (9th Cir. 1987) Reliability may be established by the oath of the investigating officer as to the truth of his report, corroborating evidence, a statement of the hearing officer that he had firsthand knowledge of sources of information and considered them reliable based on the informant's past record, or an in camera review of the documentation from which credibility was assessed. Id. at 186-7 In Zimerlee, the infraction hearing was postponed to allow the investigator time to pursue questions posed by the offender to witnesses including the confidential informant. Id. at 185 As reported in Zimerlee,

The committee found properly that the informant was reliable. It had before it the state police report of investigation, the results of the informant's polygraph examination, a confidential memorandum from [the captain] that included the verbatim statement of the informant, the informant's identity and prior instances in which he had supplied reliable information, and had passed a polygraph examination. His familiarity with narcotics indicated reliability. Finally, Zimerlee's answers to questions corroborated then informant's report.

In re Zimerlee at 187

The Sixth Circuit has held that due process requires inquiry into the credibility of the informant when the disciplinary committee's findings regarding the prisoner are based at least in part on the confidential information provided to it. Hensley v. Wilson, 850 F.2d 269 (6th Cir. 1988) In that case, the offenders

were found guilty on the strength of confidential information provided to prison investigators. The court held that in such a case, the disciplinary committee must make an independent assessment of the informant's reliability and a contemporaneous record of that assessment. *Id.* at 271 Where the disciplinary committee merely records the findings of the investigating officer, it is engaging in recordkeeping, not fact finding. *Id.* at 276. The committee must discover and assess the investigating officer's *basis* for concluding that the information is reliable. *Id.* at 277 This due process requirement is consistent with the Washington rules and regulations, supra, requiring the hearing officer to conduct a thorough off the record review; an independent determination of regarding reliability of the source and credibility of the information; determine whether there are safety concerns; and put these reliability, credibility and safety determinations on the record. Personal Restraint Petition, Supra, page 14-15 (citing WAC 137-28-290 and 300).

Contrast the findings and record in Jackson's case to the thorough record in In re Zimerlee, supra, where the infraction committee had before it complete information of the reliability of the source and the state police report of the investigation. In fact, in Zimmerlee, the hearing coming committee had investigated further, prior to the hearing, when the offender raised questions concerning the confidential information. Id. at 185.

In Jackson's case, the entire finding of guilt is based on the Infraction report which serves as a summary of the confidential

information. Exhibits 3, 5. The staff member reporting the information did not identify the source or testify that the information was credible and the sources reliable. The hearing officer did not make an independent determination on the reliability, credibility or safety issues. The hearing officer repeatedly stated that all he needed was a statement by the investigator that he heard a conversation. "[A]ll I have to have is some evidence...some evidence simply says *if staff said you did this...that's all I have to have.*" Exhibit 6 at 18-19. Emphasis added Just as stated in Hensley v. Wilson, supra, the hearing officer here did not engage in fact finding, rather, he engaged in record keeping.

There is no indication in the Hearing Minutes and Findings that the Hearing officer conducted a thorough off the record review of the confidential source or the confidential information. There is nothing on the record that the hearing officer reviewed or assessed any confidential information. There was also nothing stated by the hearing officer on the transcript indicating that he would review or did review the confidential information off the record. (WAC 137-28-300(7)(a)) If he did review any confidential information, he did not make a finding of what the confidential information consisted of.

At no time did the hearing officer indicate, verbally or in writing, that he listened to any recording or reviewed any investigation, such as the DOC investigative documents (and related recordings) supporting this petition. (see Exhibits 10, 19) Nowhere in the written record is there

an indication that the hearing officer made a determination that safety concerns justified non disclosure of the source of the confidential information.

DOC investigative records unequivocally show that inmate Swirczinski and Hopkins would be unreliable, as they admittedly engaged in clandestine illegal activity. If other inmates such as Grantham²³ were informants, then it is not even indicated that his reliability was assessed.

There is no indication whether the hearing officer considered the following relevant (and non-exclusive) WAC 137-28-300 factors for determining whether the source was reliable and the information credible:

- i. Evidence from other staff members that the confidential source has previously given reliable information;
- ii. Evidence that the confidential source had no apparent motive to fabricate information;
- iii. Evidence that the confidential source received no benefit from providing the information;
- iv. Whether the confidential source is giving first hand information;
- v. Whether the confidential information is internally consistent and is consistent with other know facts;
- vi. The existence of corroborating evidence.

Here, there is no consistency. For instance, Hopkins "stated she had been *wired* several hundred dollars" Exhibit 5, Infraction Report (summary of confidential information) On the other hand, "[D]uring this

²³ The inmate named as a participant in the introduction of marijuana. Exhibit 10

call Jackson is talking to a female about a *money order* ...cashed by Melissa Hopkins” Exhibit 19, DOC investigative email. Swirczynski and Hopkins had motives to fabricate information, as they were involved in illegal activity, had a relationship and had involved an unwitting, innocent person in their operation.

The only confidential information, as summarized in the Initial Serious Infraction report is an “overheard” conversation. A recording of that conversation existed (see Exhibit 18, Letter from DOC to attorney, refusing to disclose *recordings of overheard conversations*; Exhibit 6 Transcript at 12-13, where hearing officer tells Jackson he must obtain a *tape of conversations* through public disclosure. Emphasis added) The hearing officer did not review the recording.

The recorded conversation, the confidential information, on which the hearing Findings are based, was never produced, determined to be credible or reliable and never reviewed. The hearing officer accepted the statement by the staff who wrote that he overheard the conversation. The hearing officer did not indicate what (if anything) he reviewed and did not summarize the confidential information in the Hearing Findings. The hearing officer did not indicate that he had first hand knowledge of the sources and considered them reliable, there is no evidence supporting the finding of guilty.

Since there was no review, of any confidential information and no determination that the source was reliable and the evidence credible, the confidential evidence should be expunged from the record.

There is undisputed evidence contained in DOC investigative records of illegal activity between Swirczynski and C/O Hopkins. Court documents show that Swirczynski is known as "Domino." It is also clear that Jackson did enter into a financial arrangement with "Domino." If any information was provided by Domino and Hopkins, clearly there is a question of reliability that was not addressed by the hearing officer. If the recording(s) are the confidential source, the reporting officer did not even identify the time and dates.

All "confidential information," as it is referred to by the hearing officer, should be removed from the record of the hearing. Without any "confidential information" there would be no evidence and therefore Jackson was not afforded minimum due process and suffered actual prejudice.

DOC did not afford Jackson a fundamentally fair hearing, because the confidential information was improperly admitted. As a result of a guilty finding based on no evidence, Jackson suffered actual prejudice.

3. No evidence showed that Jackson was aware of the tobacco or any other contraband and no evidence linked Jackson to the tobacco or other contraband and therefore, the due process requirement that some evidence support a guilty finding at a disciplinary hearing was violated.

Where no connection is made between an offender and the contraband, a finding of guilt for possession of the contraband is arbitrary and capricious. In re Reismiller, 101 Wn.2d 291, 296-7, 678 P.2d 323 (1984). In Reismiller, an apparent marijuana cigarette was found in the offender's cell and he was written up for an infraction. At the hearing, other than the report, no evidence was introduced that clearly connected the cigarette to the offender and therefore the court found that the "some evidence standard was not met and the finding of guilt was arbitrary and capricious. Id. at 297 In In re Leland, 115 Wn.App. 517, 61 P.3d 357 (2003), the offender was infractioned and found guilty based on a correction officer's report concerning a positive toxicology report. The report stated that the sample tested positive and that proper procedures were followed for the collection, storage and transfer of the specimen. Id. at 522. The DOC custodian of the records did not provide information indicating exactly what date the sample was taken. The court pointed out that the evidence of the toxicology report is conclusory because there is no way to ascertain whether the officer actually saw it and Leland was denied witness statements pertaining to collection procedures. The court found that the evidence did not meet the 'some evidence' standard. Id. at 537

No evidence, direct or circumstantial, linked Jackson, to the introduction of tobacco products or contraband.

The hearing record consists of the initial serious infraction report and the Disciplinary Hearing Minutes and Findings. In addition, the Disciplinary Hearing Appeal Decision, summarized the evidence from the record and Jackson's defense. Those documents contain no evidence establishing a connection between Jackson and contraband.

The entire record of the hearing consists of the infraction report. That report indicates that an MICC staff member, CO Melissa Hopkins, was being investigated for introducing contraband. The staff (Hopkins) turned over tobacco products, including five bags of plastic wrapped tobacco that "she was to introduce to MICC." There is no link to Jackson there. There is no indication that tobacco goes to Jackson or is purchased by Jackson or sent by Jackson. Hopkins states that she was wired money for contraband. She does not state from whom got the money. Since she was involved in a contraband scheme with other inmates and her apparent boyfriend, Swirczynki, the wired money could have come from anyone. There is no link to Jackson. Jackson and Henley are heard talking about money being picked up by staff and an uncompleted deal. There is no indication of what the deal or context is. Jackson and Henley talk about money from other offenders. There is no indication of what that refers to. There is no connection to tobacco.

Standing alone, the facts contained in this Infraction Report do not constitute any evidence that Jackson committed a 606 infraction, introducing or conspiring to introduce tobacco. However, even if the report contains an inference that Jackson conspired to introduce tobacco, Jackson introduced

evidence in his defense which rebutted and defeated the evidence contained in the report. That evidence was that he was involved solely with one inmate, whom DOC records show, was involved in a contraband scheme with prison staff.

A staff report may typically satisfy the "some evidence" standard with respect to disciplinary hearings, "assuming the inmate was allowed to present requested evidence and that such evidence did not defeat guilt." In re Leland, 115 Wn.App., 517, 537, 61 P.3d 357 (2003). Here, Jackson's requested evidence was not allowed and, if admitted, it would defeat guilt.

Jackson testified that he entered into a financial arrangement with another inmate (Domino) for webpage design, and that after he entered into this arrangement and had his sister send payment for the webpages, Jackson found out about Domino's involvement with Hopkins. Exhibit 6 at 10 DOC's investigative report on this case supports Jackson's statement that Domino and Hopkins were involved together. Exhibit 10 Jackson also testified that his sister did wire money, but got it all back after it was not picked up. Exhibit 6 at 10. The investigation report indicates that Hopkins picked up a *money order*, not *wired money* and, therefore, the DOC report supports Jackson's statement that an unintended third person (Hopkins) cashed a blank money order, and rebuts the statement in the infraction report that Hopkins was *wired* money. A review of the confidential investigative report by the hearing officer would have shown that Jackson successfully rebutted and defeated any evidence there might have been to support a finding of guilt.

In summary, the only evidence at the hearing indicated that a staff member introduced tobacco. This staff member was also wired money, but it is not indicated by whom. There is no mention of another inmate in the infraction report. Jackson testified that he was only dealing with another inmate for a legitimate project and that he discovered that someone named Hopkins had cashed a money order.²⁴ DOC investigative records clearly support Jackson's defense -- they show that the inmate Jackson testified about was the lover of, and conspirator with, CO Hopkins in the contraband scheme. The investigation reports also support Jackson's testimony that the third person cashed a money order and was not wired any money, contrary to the "evidence" appearing on the infraction report.

Jackson was found guilty of a 606 infraction, (introduction of Tobacco). There is no evidence connecting Jackson to tobacco. There is no evidence connecting Jackson to any wired money to Hopkins. Official DOC records, which, apparently, the hearing officer did not consider or review, support Jackson's defense and show that CO Hopkins was involved with Jackson's webpage business partner (Domino) and another inmate (Grantham), but there is no evidence of involvement with Jackson. Exhibit 10

Just as in Reismiller, where a cigarette found in the offender's cell could not be connected to that offender, the tobacco brought into MICC by Hopkins could not be connected to Jackson.

²⁴ See Jackson's Declaration, Exhibit 9, describing his project and including documents showing that Jackson had been working on it over a period of years.

Where no connection is made between an offender and the contraband, a finding of guilt for possession of the contraband is arbitrary and capricious, resulting in actual prejudice. In re Reismiller, 101 Wn.2d 291, 296-7, 678 P.2d 323 (1984).

Since there is no evidence to support the 606 infraction for introduction of tobacco, the hearing decision was arbitrary and capricious and DOC violated Jackson's due process rights to a fundamentally fair hearing.

4. The hearing officer did not provide Jackson with an adequate written statement of the evidence relied on for the finding of guilt and therefore violated the requirements of minimum due process.

After the hearing the hearing officer issued the "Disciplinary Hearing Minutes and Findings" The written statement cites, in its entirety, the following evidence:

"Not guilty. Mr Jackson wanted to read a statement into the record. The infraction report where SIU investigator stated he heard and could identify the offender's voice conspiring to introduce contraband."

Exhibit 3

The findings do not cite any facts or evidence. The only thing cited is the infraction report, the fact that the investigator overheard and could identify Jackson's voice; and the investigator's conclusion that Jackson was committing an infraction. There are no facts on which the infraction is based. In addition, the finding is that Jackson committed a

606 infraction, introduction of tobacco, yet the findings do not refer to tobacco at all.

“Reliance upon an investigating officer’s statement that an informant is reliable is not necessarily a fatal procedural flaw, but if [a hearing officer] does not discover, and assess, the investigating officer’s *basis* for concluding that the informant is reliable, it cannot be said that the [hearing officer] has made reasoned choices about the truth of the information provided to it as minimum due process requires it to do.

Hensley v. Wilson, 850 F.2d 269, 277 (1988) (emphasis added)

Minimum due process requirements include, “after the hearing, receipt of a written statement of the evidence relied on for the disciplinary action.”

In re Gronquist, 138 Wn.2d 388, 396, 978 P.3d 1083 (1999)

In Jackson’s case, the hearing officer’s written statement did not include any facts or show the basis for concluding that the investigator’s own conclusion that Jackson was committing an infraction was reliable. . The hearing officer merely made a conclusory statement that the investigator’s own conclusion that Jackson was guilty was enough for him (the hearing officer) to make a finding of guilty.

A conclusory statement by the hearing officer in the Hearing Minutes and Findings, does not satisfy the minimum due process requirement for a “written statement of the evidence relied on” and therefore, DOC violated Jackson’s right to due process and he suffered actual prejudice.

C. CONCLUSION

Jackson was denied due process at his disciplinary hearing because he was not allowed the opportunity to present documentary evidence in his defense; there was no evidence linking Jackson to the introduction of tobacco or any other contraband; the hearing officer did not determine the reliability of the source and the credibility of the confidential information; and the findings, on which guilt was based, were insufficient and conclusory.

In addition, at all times from prior to the hearing to the present date, DOC possesses internal investigative reports and documentary evidence that would rebut and defeat all evidence used to find Jackson guilty at this disciplinary proceeding.

V. RELIEF REQUESTED

Jackson requests this court to order DOC to vacate the finding of guilt, expunge the infraction from Jackson's record and restore all lost early release time.

In the alternative, Jackson requests this court to issue an order that allows for determination of whether the existing documentary evidence that was not produced upon request, such as audio recordings, support Jackson's

defense and therefore rebut and defeat the evidence appearing in the Hearing Findings.

VI. STATEMENT OF INDIGENCE

Petitioner is an indigent prisoner and requests a waiver of expenses necessary to consider the Petition in this court. RAP 16.15(g). A copy of the Inmate Trust Account Statement is included with this petition.

VII. STATEMENT OF PETITIONER'S FINANCES

1. Petitioner requests this court to file this without paying a filing fee.
2. Petitioner has a current spendable income of \$1.68. ✓
3. Petitioner does not ask the court to appoint a lawyer.
4. Petitioner is unemployed
5. During the past 12 months, Petitioner has received no money from a business, profession or other form of self-employment..
6. During the past 12 months, Petitioner has received no rent payments, interest, dividends or other money. Petitioner has no cash other than the spendable balance in his inmate account.
7. Petitioner owns no real estate or things of value.
8. Petitioner is not married. ✓
9. Petitioner does not support anyone
10. Petitioner has Legal Financial Obligations of more than \$5000 ✓

VIII.

VERIFICATION

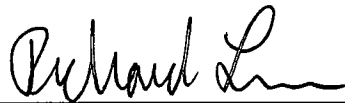
Pursuant to RAP 16.7(a)(6), verification will be filed within 30 days after this petition is filed.

IX.

PARTY DECLARATION

I am the attorney for Petitioner. I have read the Petition, know its contents, and I believe the petition is true. I hereby declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 21st day of January, 2009



Richard Linn
WSBA #16795
Law Office of Richard Linn, PLLC
12501 Bel-Red Rd. Suite 101
Bellevue, WA 98005
Tel: (425) 646-6017
Fax: (425) 732-9007

01/05/2009
CSMITH

DEPARTMENT OF CORRECTIONS
WASHINGTON STATE REFORMATORY

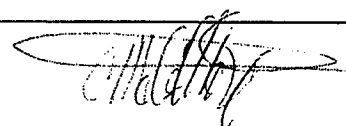
Page 1 of 1
OIRPLRAR
6.03.1.0.1.2

PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 07/01/2008 TO 12/31/2008

DOC : 0000283484 NAME : JACKSON VERNON
DOB : 06/15/1961

ADMIT DATE :06/15/1995
ADMIT TIME :00:00

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
3.08	0.62	1.68	0.34



List of Exhibits

1. Judgment and Sentence No. 81-1-01316-5
2. Disciplinary Hearing Notice/Appearance waiver (12/12/07)
3. Disciplinary Hearing Minutes and Findings (12/12/07)
4. Disciplinary Hearing Appeal Decision (with written appeal) (1/23/08)
5. Initial Serious Infraction Report (12/3/07)
6. Hearing Transcript (with Certification)
7. Written Defense statement submitted at hearing (12/12/07)
8. Court-Prison Special 5990/5256 Supervision Closure (Filed Pierce Co. 2/27/08)
9. Declaration of Vernon Jackson
10. Case No. HQ 10-69-07-101, DOC-SIU p.5-6
11. Inmate's Kite to Supt. Van Boening (11/8/07)
12. Inmate's Kite to Investigator Gilbert (11/8/07)
13. Memorandum from Supt. Van Boening to Jackson (11/21/07)
14. Inmate's kite to Lt. Allen (12/7/07)
15. Inmate's Kite (designated "A") to Lt. Allen (12/7/07)
16. Letter from DOC Public Disclosure Unit to Attorney (7/11/08)
17. Memorandum from Supt. Van Boening to Jackson (1/3/08)
18. Letter from DOC Public Disclosure Specialist to Attorney (7/18/08)
19. DOC Email concerning overheard telephone calls (10/19/07)
20. WAC 137-28-300

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

VERNON VEON JACKSON

Defendant.

NO. 91 1 31315 3

JUDGMENT and SENTENCE

(Plea of Guilty)

This matter coming on regularly for hearing in open Court on the 26th day of April 19 82, the defendant VERNON VEON JACKSON and his attorney F. Fleming appearing, and the State of Washington appearing by Jerry A. Ackerman, Deputy Prosecuting Attorney for Pierce County, and the information charging the defendant with the crime of ROBBERY IN THE FIRST DEGREE.

having been duly served upon and read to the Defendant, and the Court having ascertained the true name of the defendant, and having interrogated and informed him of the nature of the charge and that he might have one day's time in which to enter his plea, and having advised the Defendant that he was entitled to trial by jury, and to the services of an attorney, and that the Court would appoint counsel for him at the expense of the county if he so desired and was without funds, and that he had the right to be present at such trial with his attorney, that he had the right to be confronted by witnesses against him and to have witnesses called on his behalf at the expense of the county, and it appearing and the Court having been advised by the Defendant that he understood the nature of the charge and was ready and willing to enter his plea, and it appearing and the Court having determined that the defendant is capable of and is exercising a free and rational choice, the Defendant was then arraigned and entered his plea of guilty to each crime charged in the information. Whereupon, the Defendant being asked if there were any cause that Judgment should not be pronounced and no sufficient cause being shown, and the Court and the Defendant being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED That said Defendant is guilty of the crime of ROBBERY IN THE FIRST DEGREE (LAWADW)

as charged in the information herein, and that he shall be punished by being committed to the Washington Corrections Center, for classification, confinement, and placement in such correctional facility under the supervision of the Department of Social and Health Services, Division of Institutions as the Assistant Secretary of the Division of Institutions shall deem appropriate, for a period of not more than 11 1/2 years

THE SAID DEFENDANT SHALL BE COMMITTED TO THE CUSTODY OF THE SHERIFF OF PIERCE COUNTY TO BE DETAINED AND BY HIM DELIVERED INTO THE CUSTODY OF THE PROPER OFFICERS OF THE WASHINGTON CORRECTIONS CENTER AS AFORESAID; BAIL IS HEREBY EXONERATED.

Signed this 15th day of June, 19 82, in the presence of said Defendant.

s/ D. GARY STEINER

JUDGE

CERTIFICATE

I, BRIAN SONNITAG, County Clerk, and the Clerk of the Superior Court of the State of Washington, in and for the County of Pierce, do hereby certify that the foregoing is full, true and correct copy of the judgment and sentence in the above entitled action now on record in my office.

WITNESS my hand and the seal of said Superior Court this 17th day of June, 19 82.

BRIAN SONNITAG

County Clerk and Clerk of the Superior Court

FILED
IN COUNTY CLERKS OFFICE
JUNE 17, 1982
PIERCE COUNTY, WASHINGTON
BRIAN SONNITAG, COUNTY CLERK

By Deputy

Z-286a

EXHIBIT 1

WARRANT OF COMMITMENT

STATE OF WASHINGTON)
) ss:
County of Pierce)

THE STATE OF WASHINGTON, To the Sheriff of PIERCE COUNTY and to the Assistant Secretary of the Department of Social and Health Services and the Superintendent of the Washington Corrections Center of the State of Washington, GREETING:

WHEREAS, VERNON VEON JACKSON, has been duly convicted upon the 15th day of June, 1982, in the Superior Court of the State of Washington, for the County of Pierce of the crime of ROBBERY IN THE FIRST DEGREE

and judgment has been pronounced against him and that he has been sentenced to a term of imprisonment in such Correctional Institution under the supervision of the Department of Social and Health Services, Division of Institutions, as shall be designated by the Assistant Secretary of the Department of Social and Health Services pursuant to law and a minimum term to be fixed by the Board of Prison Terms and Paroles. All of which appears to us of record; a certified copy of said judgment being endorsed hereon and made a part hereof.

NOW, THIS IS TO COMMAND YOU, the said Sheriff, to detain the said VERNON VEON JACKSON until called for by the transportation officers of the Department of Social and Health Services, Division of Institutions, authorized to conduct him to the Washington Corrections Center, and this is to command you, the said Superintendent of the Washington Corrections Center to receive of and from said officer or officers the said VERNON VEON JACKSON for confinement, classification and placement in such correctional facilities under the supervision of the Department of Social and Health Services, Division of Institutions, for a maximum term of confinement of not more than LIFE

years and a minimum term to be fixed by the Board of Prison Terms and Paroles.

And these presents shall be authority for the same.

HEREIN FAIL NOT.

WITNESS, HON. D. GARY STEINER
Judge of the Said Superior Court and the seal thereof this
17th day of June,
1982.

BRIAN SONNTAG

FILED
IN COUNTY CLERKS OFFICE
JUNE 17, 1982
PIERCE COUNTY, WASHINGTON
BRIAN SONNTAG, County Clerk
By, TR

County Clerk and Clerk of Superior Court

By /s/ TED RUTT

Deputy Clerk



STATE OF WASH.
DEPARTMENT OF
CORRECTIONS

7 All

DISCIPLINARY HEARING NOTICE/ APPEARANCE WAIVER

Evidence#: PHOTOS/HQ Cell#: 2042

Hearing ID# 4743

CellTag: No

OFFENDER NAME	JACKSON, VERNON	DOC NUMBER	283484	FACILITY	MICC	DATE	12/7/2007
TYPE OF REVIEW		HEARING SCHEDULED FOR		LOCATION		TIME	
DISCIPLINARY		12/11/2007		Hearings Office- F-U		9:10 AM	

REASON FOR HEARING (INCLUDING ALL ALLEGATIONS OF MISCONDUCT IF APPROPRIATE)

606 Possession, introduction or transfer of any tobacco, tobacco products, matches, or tobacco paraphernalia

INTERPRETER NAME/DATE

- ☐ I HAVE BEEN PROVIDED A CERTIFIED SIGN LANGUAGE INTERPRETER
☐ I HAVE BEEN PROVIDED WITH A SPANISH TRANSLATION OF THE CHARGES AGAINST ME ON
SE ME HA DADO UNA TRADUCCION AL ESPANOL DE LOS CARGOS EN ME CONTRA EL DIA

OFFENDER RIGHTS:

DATE/FECHA

AT TIME/HORA

OFFENDER SIGNATURE/FIRMA DE OFENSOR

- ☒ YOU HAVE THE RIGHT TO REMAIN SILENT AT THE HEARING, IF YOU CHOOSE TO REMAIN SILENT, YOUR SILENCE MAY BE USED AGAINST YOU AND THE DECISION WILL BE BASED ON THE EVIDENCE PRESENTED.
☒ YOU MAY WAIVE YOUR APPEARANCE AT THE HEARING.
☒ YOU DO NOT HAVE A RIGHT TO CROSS EXAMINE WITNESSES, HAVE THE INFRACTING STAFF PRESENT AT THE HEARING, OR HAVE A POLYGRAPH OR OTHER SUPPLEMENTAL TESTS.
☒ YOU MAY REQUEST WITNESS STATEMENTS AND/OR THAT STAFF MEMBERS, INMATES OR OTHER PERSONS BE PRESENT AS WITNESSES UNLESS IT IS DETERMINED BY THE HEARING OFFICER THAT TO DO SO WOULD BE UNDULY HAZARDOUS TO INSTITUTIONAL SAFETY OR SECURITY : (List Witnesses Below)

STAFF NAME	STATEMENT	WITNESS	POSITION	OFFENDER NAME	WITNESS	DOC NUMBER
None	<input type="checkbox"/>	<input type="checkbox"/>		None	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	

- ☒ CRIMINAL CHARGES MAY BE PENDING. ANYTHING YOU SAY HENCEFORTH MAY BE USED AGAINST YOU IN A COURT OF LAW

STATUS OF CRIMINAL CHARGES: ☐ NONE ☒ UNKNOWN ☐ PENDING IN

COUNTY

CHARGES

- ☒ YOU HAVE THE RIGHT TO REVIEW ALL RELATED REPORTS AND A SUMMARY OF ANY CONFIDENTIAL INFORMATION.
☒ YOU MAY REQUEST A STAFF ADVISOR.
☒ YOU MAY REQUEST AN INTERPRETER (If unable to speak and/or understand the English language).
☒ YOU MAY REQUEST A CERTIFIED SIGN LANGUAGE INTERPRETER IF YOU ARE HEARING IMPAIRED.
☒ YOU MAY APPEAL THE DECISION AND/OR SANCTIONS TO THE FACILITY SUPERINTENDENT/SUPERVISOR (within 15 working days).
☒ IF YOU ARE AN INDETERMINATE SENTENCE CASE AND WITHIN 60 DAYS OF AN ESTABLISHED RELEASE DATE, A GUILTY FINDING COULD RESULT IN THE CANCELLATION OF YOUR RELEASE DATE.
☒ I, JACKSON, VERNON DOC# 283484 WAIVE MY RIGHT TO THE REQUIRED 24 HOURS NOTICE PRIOR TO BEING SEEN BY THE (DISCIPLINARY) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.
☒ I, JACKSON, VERNON DOC# 283484 WAIVE MY RIGHT TO ATTEND THIS SCHEDULED HEARING. I UNDERSTAND THAT HEARING WILL BE HELD IN MY ABSENCE.

COPY OF THIS FORM AND INFRACTION, WITH ATTACHMENTS, RECEIVED

OFFENDER/WITNESS SIGNATURE DATE 12/7/07 TIME 1100 STAFF SIGNATURE DATE 12/7/07 TIME 1100

DISTRIBUTION: ORIGINAL - Central File COPIES- Hearing Officer, Offender

DOC 05-093 (REV 05/11/06) POL

EXHIBIT 2



Evidence#: PHOTOS/HQ Cell#: J42

CellTag: No

Hearing 4743

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

DISCIPLINARY HEARING MINUTES AND FINDINGS

OFFENDER NAME(LAST, FIRST)		JACKSON, VERNON		DOC NUMBER		283484	
DATE OF HEARING	12/11/200	TIME OF HEARING	9:10 AM	INFRACTION DATE	10/1/2007	WAIVED 24 HOURS NOTICE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
						WAIVED APPEARANCE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

OFFENDER'S PLEA: GUILTY _____ NOT GUILTY 606

INTERPRETER: ☐ YES ☒ NO NAME: _____
STAFF ADVISOR: ☐ YES ☒ NO NAME: _____
COMPETENCY CONCERN: ☐ YES ☒ NO HEARING IMPAIRED: ☐ YES ☒ NO
WITNESS STATEMENT RETURNED: ☐ YES ☒ NO WITNESS STATEMENT DENIED: ☐ YES ☒ NO REASON: _____

SUMMARY OF TESTIMONY (LIST WITNESSES TESTIFYING)/EVIDENCE USED/FINDINGS/REASONS FOR CONTINUANCES, DECISIONS, AND SANCTIONS/ANY RELEVANT INFORMATION):

not guilty Mr Jackson wanted to read a statement into the Record.

INFRACTION NO.	FINDING				REASON
	GUILTY	NOT GUILTY	DISMISSED	REDUCED	
606	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Based on the infraction report, SID investigator states he heard, and could identify the offender's voice conspiring to introduce contraband
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SANCTION(S): 10 day D/Syct loss 5 days Bct.REASON FOR SANCTION(S): Conspiring to introduce Contraband

RECOMMENDATIONS (Non-Sanction): _____

I HAVE RECEIVED A COPY OF THIS FORM

Offender in Restraint
OFFENDER OR STAFF WITNESS SIGNATURE12-12-07
DATE0845
TIME[Signature]
HEARING OFFICER SIGNATURE12-12-07
DATE0845
TIME

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, REW 42.17, and RCW 40.14.

Distribution: ORIGINAL-Central File COPIES-Hearing Officer, Offender

DOC 21-312 F P (Rev. 05/11/06) POL

DOC 320.150 DOC 460.000

Page 1 of 2

EXHIBIT 3



DISCIPLINARY HEARING APPEAL DECISION
RECORDS

To VERNON JACKSON	Number 283484	Date 1/23/08
From SEAN MURPHY	Superintendent's Designee	

On 12/12/07 a DOC Hearing was held for the WAC violation(s) listed: 606

The hearing officer found you guilty of committing one or more infractions and imposed the following sanction (s): 5 DAYS LOSS OF GCT. 10 DAYS SEG/TIME SERVED

On 1/08/08 an appeal of this hearing was received from you in which you requested review of the hearing officer's decision and /or sanction. DECISION AND SANCTION

You appealed:

- ☒ The finding(s) of guilt
☒ The sanction(s) imposed

In summary, your appeal states:

AN ASSOCIATE OF MINE TOLD ME THAT HE KNEW SOMEONE WHO COULD GET MY WEB SITE PAGES DONE FOR ME. LATE SEPTEMBER I WAS INTRODUCED TO THIS INMATE, HE STATED THAT HE WOULD NOT CHARGE ME REALLY BEING IN PRISON KNOWING ONE DOES NOT HAVE MONEY. HE ASKED ME WHAT I COULD AFFORD AND HE SAID HE WOULD CHARGE ME \$300.00 AND ASKED IF I COULD SEND THE MONEY. HE STATED THAT ONCE THE MONEY WAS THERE, HIS FAMILY WOULD GET ON IT AND I WOULD GET COPIES OF WORK DONE EVERY 72 HRS IN THE MAIL HERE. HE GAVE ME A P.O. BOX NUMBER AND STATED TO LEAVE THE MONEY ORDER BLANK. I HAD MY SISTER GET THE MONEY, EVEN THOUGH SHE DID NOT WANT TO SEND A MONEY ORDER WITHOUT A NAME ON IT. THE GUY SAID MY MONEY HAD NOT GOTTEN THERE BUT MY PAPERWORK DID. I HAD MY SISTER RUN A TRACE ON THAT MONEY TO SEE IF IT WAS CASHED OR NOT. WHERE IN ANY TESTIMONY OR SUPPLEMENTAL STAFF STATEMENT DOES IT STATE ANY OF THAT PRODUCT DIRECTLY OR INDIRECTLY INVOLVES ME. AS IT BEING PAID FOR BY ME, OR THAT ANY OF THAT PRODUCT WAS TO COME TO ME OR THAT SHE RECEIVED ANY WIRE FROM ME OR MY SISTER FOR POSSESSION OR INTRODUCTION OR TRANSFER OF ANY TOBACCO WHAT SO EVER. I'D LIKE TO SEE THESE WIRE TRANSFER RECORDS.

In reviewing your appeal, I have made the following determination(s):

- ☒ The disciplinary hearing process was conducted in accordance with Due Process and WAC 137-28.
☒ At least 24 hours advance written notice was provided or you waived the 24 hour advance notice in writing/with witness.
☒ You were provided an opportunity to call witnesses and present documentary evidence on your behalf. If witness(es) were denied, the Hearing Officer provided you with written reason(s) for the denial.
☒ The finding was made by an impartial (not viewed as biased or having witnessed the incident being heard) Hearing Officer.
☒ A written statement of the finding(s) and sanction(s) imposed was provided to you and includes the evidence relied on and the reason(s) for the decision.
☒ Sanction(s) are in accordance with Presumptive Sanction Guidelines WAC 137-28.

If confidential information was submitted, I have confirmed:

- ☒ The Hearing Officer made an independent determination regarding reliability of the confidential source(s), credibility of the information and, safety concerns that justify non-disclosure of the confidential source(s) of information.
☒ The above information was documented on DOC form 21-962, Confidential Information Review Checklist.

On behalf of the Superintendent, I have investigated your appeal and find that:

Distribution: Original -Offender COPIES-Superintendent, Central File, CUS/Counselor, Hearing Officer
DOC 09-197 (Rev. 09/26/07)

DOC 460.000

DOCUMENTS REPORT THAT DURING THE COURSE OF A HQ SPECIAL INVESTIGATION OF STAFF MISCONDUCT, INFORMATION WAS RECEIVED AND EVIDENCE RECOVERED THAT THE STAFF MEMBER UNDER INVESTIGATION WAS INTRODUCING CONTRABAND INTO MICC. THIS STAFF MEMBER STATED THAT SHE HAD BEEN WIRED SEVERAL HUNDRED DOLLARS FOR CONTRABAND SHE WAS TO INTRODUCE TO MICC. YOU WERE OVERHEARD TALKING TO YOUR SISTER SHEILA HENLY ABOUT HOW THIS STAFF HAD PICKED UP THE MONEY AND WERE MAD THAT THE DEAL HAD NOT BEEN COMPLETED BY THE STAFF. YOU AND MS. HENLY WERE ALSO OVERHEARD TALKING ABOUT OTHER MONEY SENT TO MS. HENLY BY AT LEAST 6 OTHER OFFENDERS ADDING UP TO HUNDREDS OF DOLLARS. I HAVE REVIEWED YOUR APPEAL AND FIND THAT THE SANCTIONS ARE IN ACCORDANCE WITH WAC 606: POSSESSION, INTRODUCTION OR TRANSFER OF TOBACCO, TOBACCO PRODUCTS, MATCHES, OR TOBACCO PARAPHERNALIA. YOU HAVE PROVIDED NO NEW EVIDENCE OR STATEMENTS THAT WOULD CAUSE A CHANGE IN THE FINDINGS OF GUILT. I CONCUR WITH THE DECISION AND SANCTION(S) OF THE HEARINGS OFFICER.

- ☒ You were found guilty as explained above;
- ☐ There was insufficient evidence for a finding of guilt as explained below;
- ☐ A procedural error occurred as explained below;
- ☒ The sanction was appropriate, and you were provided with the Hearing Officer's written report;

AND THEREFORE, the decision of the Hearing Officer is:

- ☒ Affirmed
- ☐ Remanded for a new hearing. (You will be notified of the hearing date).
- ☐ Reversed
- ☐ Modified as follows:

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Rights to a Fair and unbiased impartial
hearing of my hearings Appeal!

12-30-07

Mr. Ron Van Boerling
"Superintendent"

So that my constitutional rights are
not violated for a fair unbiased and
impartial appeal. All evidence
including VAPR recordings, Phone Messages
if that is apart of the evidence must
and shall be heard for a fair appeal.
other then that the hearings appeal
would be base on a biased conclusion
if all elements pertaining to the case was
not atleast heard to allow all fairness to the
incarcerated prisoner.

So I do ask that one listen to the main
bases of this appeal on all fairness which
would be the Phone Recorded Messages! #606
Kimon Leon Jackson #283484

To: Mr. Ron Van Boening Superintendent / or Appointed
Designee.

I AM APPEALING what was brought against me AS being stated A
*bik, And I was found guilty. PERSON conspiring to introduce
Centraband AS stated on Pen # 74691138 Recording my #.

Sir, I Really do not know how to start or write this appeal up
AS I know how to write "APPEALS". But this appeal is something
I do not what so ever have any dealings in or knowledge of
the fact AS for AS me my self being involved. AS I was
brought to the hole under investigation for Allegation "ALLEGATION
of Conspiring with other inmates and people in the community, to
bring in TOBACCO & Drugs into your institution, which is not
TRUE". The only thing I've done is something LEGAL Putting
together a Dating Service called SEPREH 3000
trying to "Pay" to get my web pages done and my site
put up. AS I can show PROOF of this. AS you know
I wrote to your office to "You" since this was to have had
been what is being stated something "SERIOUS" dealing with
a STAR. And Mrs. Sheri Pateet, Answered it back or signed for
you AS directed. I felt that the only way to show my innocence
was that I had no knowledge and I'd like to be tested on their
questions dealing with a Polygraph test AS that was not
provided to be able to show that their would not be on my
part any kind of what so ever "Deceit" "Deceit" or what
one looks for in these test "DECEPTION" in my answer
giving back to what ever question ASK of me, but I was
not giving that opportunity. I even had Mr. George
Gilbert in front of me make a call right to Steve Pateet
stating that I wanted to be allowed to participate in a
Polygraph test. So here I am stepping this
appeal dealing with my life on the out come of this
appeal AS I understand the guidelines of the "PAROLE
BOARD" with a 100 hearing set for 1-14-08 in my Case Name

2.

I will not get that EARN freedom that IVE EARN!!
this findings of guilty is not? on my freedom.
I want to state this before I finish on my Appeal, everything
I HAVE done to be brought back into this prison system I
have done without crying at all, I did not like it but I
did it to my self, not wanting to follow the rules or see that
reason the law or the land or I would not be here, but to
be punish for something I really did not do that really hurts
And I can prove it is someone will look into it very listen.
my appeal is not base on the evidence given by the
star which is his testimony like A solemn declaration or
Affirmation made under oath, my appeal is base on is I
am to be given A fair minded and impartial unbiased review
by the person who will be conducting this appeal preceding
at my Hearing I ask for the evidence against me to be heard
Mr. Allen the Hearings L.L. stated that he was not a voice
expert specialized in that field, which was understanding
but we this evidence alone to be the main base on my
Guilty findings I felt that one should have had atleast
been given that fairness and impartial understanding, not
having to be a voice expert but to have that Accusation and
Allegation statement being heard stating this is Vernon Leon
Jackson #283484 voice and the words stated one overheard
me stating. This is the whole base on this, base on the
RECORDING on my Pen # 74691138.
All that "I am asking of you PLEASE" is A fair appeal and
in all fairness to show that there are no unbiased on this
Appeal. As stated on the appeal form that the hearings person
has look and has heard all the evidence presented or other
wise Pertaining to the interaction, now to hear all the evidence
against me one would have to hear that statement stated
heard by the Reporting Doc star, which would be thus here
"I know overheard Jackson's voice, overheard overheard
And his sister talking about how this star had picked up
the money and were mind that the deal had not been -

3.

Completed by the state, And he spoke about this state stating she had been wired several hundred dollars. She did not get no wires from me or any one I know. Where ever she got? it was not me! Concerning any kind of illegal gains I just wanted to state this, I got got but not knowing her involvement. Mr. Superintendent, do one just take a few state words? which this is to be base on facts not about once word! being truthful or not.

We were born into the world of sin as a child. but that child knows no sin till shown or taught. So we do lie! And fabricate stories told by us to others.

I ask that you listen to what ever that is stated that they have on me in this recording. I am hoping for some. or reason, we do not heard that it was mistakenly ERASE "Sorry"

Just a note before I end my report. I state these famous words by Mr. Johnny Cochran, "if the glove don't fit you must acquit!" As in this case with me, if there is no recording to back up this mans statement "As there will not be" you with all decency under all fairness as a unbiased participant should reverse the guilty findings. As the statement stated that Steve Bantee sign his name to, As what he heard in words not assuming, As we all know what that means assuming the conversation and adding his own theory or words without proof to his sign statement, but the statement stated on my information that I was sound guilty too.

[Very important at the end]

I know that you will not find any of that statement. As I never made any of that or close to it. "I am knowing if you listen to any of my conversations, I will be exonerated of these charges." Thank you very much And God be with you!

Mr. Ron Van Boring on the Original interaction report, it states this to be the fact, word for word.

Talking about how this staff had picked up the money and were mad that the deal had not been completed by the staff:

Let's say hypothetically that Mr. Steven Baxter heard those statements that he sign his name to on my interaction concerning me and my sister. Just for hear say. He stated the word "staff" what staff? does this person have a name? because the staff mention in this investigation I even now know As I assume As of Oct 22 Their whole name every body on the compound now knows who this female staff member is and her name and a lot of them knew before this ever happen! So I am wanting to know with this allege staff? with no name, did this person sign some kind of sworn affidavit statement or a tape recording of her statement, saying that Vernon Leon Jackson ("me" or my "sister" Sheila Henley knows this person? that either of us indirectly or for that matter directly has had any dealings or communication with who ever the named staff is stated to be in this interaction report at all, or any one! As it also state the deal was not completed, what deal was not completed? is it at all illegal or against the law or Doc Policy for a person to make this kind of statement? At no time in this whole allege conversation stated by SSA Steven Baxter is there at all what so ever mention of Tobacco or a conspiracy or conspiring to bring anything or give to any one anything that deals with the box to bring into Doc what so ever! So it could be the conversation that he stated his name to, any staff any where, and for that matter or statement, money being allege picked up could and sooner had been for legal gains As it do not state

2.

At All that Alleged money Picked up was for Any kind of illegal Activity. Concerning Steven Bader's statement He stated He heard dealing with me or my sister, what Rule would I had broken?!

So in All Fairness, Steven Bader took out of context what he stated he heard mistakingly the conversation and twisted it to the way he thought that his own interpretation As he wanted to see this through that without the concrete evidence, fact, and the real proof.

So Am I right to make that same Assumption As he have for a book, because there are no shared of what so ever evidence on this interaction of me ever Participating in any of this or my sister for that matter, with staff or inmates.

even the Bible states do not Just take word of man to be the truth, if there are evidence to be found for the sole Purpose of the "truth" As it should be sought after, seek and you shall find what ever you looking for, if in fact it's out there!

I was found guilty on conspiring to introduce contraband.

Reason: by the hearings Lt. Mr. Allen. Base on the interaction Report SIU investigator, state he heard and could identify the offender's voice. Conspiring to introduce contraband.

Reason for Sanction: Conspiring to introduce contraband

No statement or no testimony from any one to prove or even to show that I conspired with anyone to introduce anything inside the cell or other wise of my sister. Please tell me or show me

8.

where on this whole interaction where it show or state anything concerning me conspiring to bring contraband into your prison or any prison As that matters. As it do not state any of that on my interaction. Also there is a statement stated on the interaction that Mrs. Hopkins was to have made, that she had been wired several hundred dollars for contraband she was to introduce to me.

At no time mention in Mr. Steven Baxter statement does he at all state the wired money she or Steven Baxter spoke about at all came from me or any one I know. That was just a statement, or can one show at all any kind of wire that would involve me with Mr. Hopkins. As for sure there are "for sure" kept files "IRS" records on all transactions of money that has been wired which would be very easy to check concerning with the sending party and the receiving party who would be "Mr. Hopkins" (so one for sure can check that something one can't hide). Now for that wire not to go right for a whole lot of reasons, once it was placed no matter what so ever that sending party to be able to retrieve their money back, would have to show some kind of LEGAL identification not just any kind of identification when one is picking money up or wanting to retrieve it back. So there has to be some legal name for a wire as one would state their Real Name on their money and some kind of Real Signature so to be able to prove they are that person or for one to lose out of what its being stated, hundreds, if some times you can't prove that Signature with that ID? As they for sure look to make sure. At everything when they are handing out money to who ever from their side, I know this for a fact. There is no where on this interaction that states that Vernon V. Jackson or a Sheila Henley his sister had any dealings with a Mr. Hopkins what so ever. Not Bilty Vernon V. Jackson



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

RECEIVED
DEC 07 2007
INITIAL SERIOUS INFRACTION REPORT
MICC HEARINGS OFFICE



Date of Infraction 12/03/07	Offender Name (Last, First) Jackson, Vernon	DOC Number 283484	Housing Assignment Segregation
Rule Violation #(s) 606			
Time Occurred Unk	Place of Incident (Be Specific) Community/Tacoma		Date Occurred Jul-Oct 2007
Witness (1) NA	Days Off	Witness (3) NA	Days Off
Witness (2) NA	Days Off	Witness (4) NA	Days Off

NARRATIVE

State a concise description of the details of the rule violations, covering all elements and answering the questions of When? Where? Who? What? Why? and How?; Describe any injuries, property damage, use of force, etc., attach all related reports.

During the course of a HQ Special Investigation Unit (SIU) investigation of staff misconduct at MICC, information was received and evidence recovered that the staff member under investigation was introducing contraband into MICC. This staff member turned over one cardboard box of contraband to the SIU unit that contained eight (8) large Top tobacco boxes, 10 (10) cans of Grizzly chew tobacco, one (1) large Tin of Top tobacco, five bags of plastic wrapped tobacco and five packages of rolling papers. This staff member stated that she had been wired several hundred dollars for contraband she was to introduce to MICC. I, knowing offender Jackson's voice overheard offender Jackson and his sister ex-DOC offender Sheila Henley #951670 talking about how this staff had picked up the money and were mad that the deal had not been completed by the staff. Offender Jackson and Ms. Henley were also overheard talking about other money sent to Ms. Henley by at least 6 other offenders at MICC adding up to hundreds of dollars.

This Infraction serves as both notice and summary of confidential Information

Reporting Staff Name (Last, First) (Print Name) Baxter, Steven		Shift 1st	Days Off S/S
Evidence Taken <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Evidence Case Number	Evidence Locker Number	Photo Submitted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Disposition Of Evidence (If Not Placed In Locker) HQ SIU Locker		Placed In Pre-Hearing Confinement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME(S) OF ALLEGED VICTIMS OF THIS INCIDENT			
Last, First 1)	Staff <input type="checkbox"/>	Volunteer/Visitor/Other <input type="checkbox"/>	Offender <input type="checkbox"/> DOC#
Last, First 2)	Staff <input type="checkbox"/>	Volunteer/Visitor/Other <input type="checkbox"/>	Offender <input type="checkbox"/> DOC#
RELATED REPORTS ATTACHED <input type="checkbox"/> Supplemental <input type="checkbox"/> Background Memos <input type="checkbox"/> Staff Witness Statements <input type="checkbox"/> Medical <input type="checkbox"/> Tele-Incident <input type="checkbox"/> Use of Force <input type="checkbox"/> Other (Specify)			

Reporting Staff Signature 	Date 12/11/07
Infraction Review Officer Signature 	Date 12-3-07

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This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Re: Vernon Jackson
Present: Lt. Allen
File Number: 283484
Place:
Date: 12/12/06

PROCEEDINGS COMMENCED

ALLEN: Today's date is December 12, 2006. Time is 8:16. My name is Mr. Allen I'm the hearing officer for [inaudible]. Also present is uh Sgt. Anderson [inaudible]. Would you please state your full name and number for the record?

JACKSON: My name is Vernon DR Jackson. 283484.

ALLEN: Mr. Jackson, do you understand the reason for this hearing?

JACKSON: Yes sir.

ALLEN: The reason for the hearing is a 606. I have two infractions. A 606 and 728. Um the 606 is [inaudible] to transferring tobacco, tobacco products, and tobacco paraphernalia. I'm going to read your rights to you. If you have any questions about your rights please ask them at that time. You have the right to remain silent at the hearing if you choose to remain silent. If you choose to remain silent your silence will not be used against you. And the decision will be based on the evidence presented. You may [inaudible] your [inaudible] hearing, you do not have a right to cross-examine anyone present at the hearing or have a polygraph or other supplemental test. You may request witness statements and other staff members [inaudible] present as witnesses unless it's determined by the hearing officer, and to do so would be [inaudible] safety and security. If you have [inaudible] criminal charges may be pending. Anything you say [inaudible] court of law. Status of criminal

charges [inaudible]. You have a right to review all related reports and other confidential information. You may request a staff advisor. You may request an interpreter. If you are unable to speak or understand the English language, uh, you may request a certified sign language interpreter. [inaudible] Uh [inaudible] confidential information. The actual report will serve as confidential information. You may appeal the decision sanctioned to the facility superintendant within 15 working days. If you're [inaudible] in this case 60-days to establish a release date. [inaudible] cancel that release date, uh, [inaudible]. Do you have any questions about your rights?

JACKSON: Uh, no sir.

ALLEN: Date of infraction is 10/1/2007. This is a 606 [inaudible]. Investigation [inaudible]. Investigation of staff misconduct [inaudible] at MICC. Information was received and evidence recovered that the staff member under investigation was introducing contraband to MICC [inaudible] and the staff member turned over one cardboard box of contraband to the special investigation unit that contained eight large [inaudible] tobacco boxes, 10 cans of [inaudible] chewing tobacco, one large bag of [inaudible] tobacco, five bags of [inaudible] tobacco, five packages of rolling papers. This staff member stated that she had been wired several hundred dollars for contraband she was to introduce to MICC., and was mad that the deal had now been completed by staff, Defendant Jackson and Ms. Henry. Also overheard him talking about other money sent to Ms. Henry but at least six other offenders at

MICC adding up to hundreds of dollars [inaudible]. How do you plead to this [inaudible]?

JACKSON: Steve who?

ALLEN: Steve Baxter.

JACKSON: Alright.

ALLEN: How do you uh how do you plead to this infraction?

JACKSON: Not guilty, sir.

ALLEN: Ok. Uh I have a couple questions.

JACKSON: [inaudible interference]

ALLEN: Uh let me.

JACKSON: Oh I'm sorry, I'm sorry.

ALLEN: So you're saying you've never discussed this with your sister?

JACKSON: No.

ALLEN: Ok. So Mr. Mr. Baxter's basically fabricating this, is that what you're saying?

JACKSON: Yes. Yes.

ALLEN: Because he said I know [inaudible] Jackson's voice. Overheard Jackson and his sister. You have a sister by the name of Sheila Henry?

JACKSON: I told him that my sister's name was Sheila when he came to see me on the 8th.

ALLEN: But he said he overheard you?

JACKSON: Ok right.

ALLEN: Talking about how staff had picked up money and was mad because the deals had not been completed by staff.

JACKSON: He lied.

ALLEN: Did you tell him anything [inaudible]?

JACKSON: No.

ALLEN: Ok. So what is your take on this?

JACKSON: Now um did you get that that pink piece of ... let's see ... there's a kite on top right there. Right there there's a copy of that? Did you get that?

ALLEN: Did I get that?

JACKSON: Did you get a copy of that first kite?

ALLEN: No no what what ...

JACKSON: Did you read it?

ALLEN: No no no no no. Talk to me about the the the 606.

JACKSON: Ok the 606 ... cuz I asked cuz I had [inaudible] I had I had sent that as in [inaudible] stuff that I'm trying to read that's part of my defense.

ALLEN: Show me your defense to 606. I want to see what you have here, tell me about the 606 in this in this this this statement that you tried to introduce contraband. This has nothing to do with 606. It has something to do with how you talk to the hearing ok?

JACKSON: Ok.

ALLEN: So talk to me about ...

JACKSON: If I could have my paperwork [inaudible] could you have uh uh Mr. Anderson um bring that chair over here so I could read off what I need to uh uh put up to [inaudible]?

ALLEN: Mr. Jackson Mr. Jackson, tell me what happened. If I need to take copies of your paperwork I'll attach it to your statement.

JACKSON: Ok but I have my statement that I wanted to explain to you ...

ALLEN: [inaudible] 606.

JACKSON: I don't have nothing to do with that 606.

ALLEN: Ok.

JACKSON: That's why I asked if I could read and uh [inaudible]

ALLEN: [inaudible]

JACKSON: [inaudible] and the uh yeah [inaudible] chair [inaudible]

ALLEN: So I'm gonna write down here for your testimony that you're reading the statement into the record.

JACKSON: Yes sir. Um could you change ... could I read this part after [inaudible]. The only thing that I'm about to say that I have any knowledge this is [inaudible] or my phone recordings. I said an associate of mine told me that he knew someone who could get my website pages done for me and everybody in the staff knows that I had been asking everyone for this help and I would pay for this service. So late September I was introduced to this inmate at the law library that he stated to me ...

ALLEN: What inmate?

JACKSON: His, I called him "D" but they said that is uh his [inaudible] is his name Domino.

ALLEN: Ok.

JACKSON: Ok um through this dude named DJ that lived on my tier. His friend who would not charge me [inaudible] being in prison knowing that I do not have money like what I wanted to have done. As I brought all my materials to have him look over, he asked me what could I afford. Which he talked and we talked and he said he would only charge me \$300 and asked when could I send the money. I told him soon as I could speak to my family. He stated that once the money was there his family would get on it as far as my web pages. And then I would get copies of the work done every 72 hours in the mail here at MICC. And once everything was done to my liking he would have the discs with the information sent to my family. He gave me a P.O. Box number and stated to leave the money order blank. I sent to the P.O. Box under the name of T.M. Scott a lot of paperwork on my [inaudible] even a few I didn't even have copies of. I sent this before the money with four stamped envelopes addressed back to me. I had my sister get the money from her bank even though she did not want to send no money order without a name on it. Sent sent the week the last week of September. So for some reason the guy said my money had not gotten there [inaudible] but my paperwork did. So this went on for a few weeks cuz I was heated. I had sent \$300 and it was in the air, didn't nobody know where it was. So at this time I had my sister on it to run a tracer at her bank on this money to see if it had or was cashed or not because the person I had sent it to for some reason for my web pages said that he or his family has not even received it. My sister told me that she was going to press charges on whose ever name came back on this money order if it was cashed.

That her bank would reimburse the money back if it was lost or stolen. If it was cashed and the ...

ALLEN: Ok let me stop you right there. What does that have to do with 606 ok?

JACKSON: This information that I'm reading is the only thing that's on my PIN record, period. This information I'm reading right here is the only thing that I have spoke on ...

ALLEN: Ok.

JACKSON: Ok it says that the bank would reimburse the money back if it was lost or stolen. If it if it was cashed and the money never came or made it to you know if it said that he would send it back. Now I needed those web pages done for only \$300. That was a deal that I would never pass up. So I spoke to this inmate again and after asking others about him stating what had happened concerning my money they had sent his address or P.O. Box and for some reason he said that it never came here. The others had told me that he was not cut like this. Like I said, I needed my web pages as my [inaudible] it was very important to me due to the fact that I have to see the Board in January 16th and I wanted to have everything done so I could present it to them.

ALLEN: Well let me just stop you right there. You you doing something illegal anyway.

JACKSON: As far as uh having my pages done in the streets?

ALLEN: And having inmates doing 'em and paying inmates to do 'em.

JACKSON: No but I didn't no this is ...

ALLEN: You just told me that you had an inmate ...

JACKSON: Right but his family.

ALLEN: Ok.

JACKSON: His family was going to do it [inaudible] on the streets.

ALLEN: Ok and and you know that's that's that's illegal?

JACKSON: [inaudible]

ALLEN: But go ahead read your read your statement.

JACKSON: Ok ok I I went up to this man and stated all that I was doing concerning the money order and gave it to him the money order number so that he could also run a check on it to verify that in fact it was fine and that I wanted to still mess with him and he stated if the money did like I said earlier somehow showed up he would send it back. [inaudible] So I told him that that was a big lesson learned for me. That I would never ever again send to anyone any money ...

ALLEN: So who did you tell this to? Did you tell this to the inmate or are you still talking on the phone?

JACKSON: Ok I'm telling this to the inmate but it's but it's part of the phone conversation cuz me and my sister talked about this. And um to to anyone any money without someone's name being on it and that it would be certified this time so whoever so whoever would have to sign for my money would be no mistake about who received it or it didn't or who didn't receive it. I told him that I would have my sister wire \$300 and sumpin dollars so that it would be done now to have my pages done and my project would be finished. So that the sooner it was all done to my liking the disc would be in my family's safe keeping. So he gave me the name and information number and person's name

to wire the money to. I spoke to my sister who did not want to deal with this person or his family anymore, wire or no wire. So she said she wouldn't do it but that she would put a safety net on the wire, meaning that one could check to see if there is a wire there but with the safety net one could not pick the wire money up without knowing the code name which she picked the word Gemini. So it was done. The wire was done 10/17/07 with the understanding on that Friday if it was not picked up she would go and retrieve her money. I spoke to him a few minutes later and told him that my sister said Friday she would pull the money. He told me he could not get a hold to his people at that time and to leave the money there till that Monday. Now this part [inaudible] over my [inaudible].

ALLEN: Ok well ok well here it says I I knowing Defendant Jackson and also overheard his sister ex-DOC offender Sheila Henry 951670 talking about how this staff had picked up money ...

JACKSON: Right. Right.

ALLEN: ... and he said he overheard you talking about that.

JACKSON: Ok I'm not done. Ok?

ALLEN: Ok.

JACKSON: Uh now so now this part I'll read it from my head. So on the 22nd, which was a Monday, my room is facing towards A unit. I'm in B unit. I'm in lower B. He is he is in upper B. I seen during count time I seen about four or five staffs going upstairs to B unit, but they didn't have no uh camera or anything like most of them do when they're grabbing somebody. About five or 10 minutes

later, if that, I seen the staff escorting the individual that had gave me the information to send to his address to the um to the wire.

ALLEN: Who is that?

JACKSON: Uh the dude I called "D" uh uh everybody else called him Domino. I guess he was the one that allegedly made the staff supposed to have been ... this is after the fact I find this out [inaudible] ... so during the count I was like wow 'm like man there's another \$300 and sumpin dollars gone. So soon as the count get done I went on the telephone and I called my sister. Luckily she was there, she picked up the phone, and I said look this person just went to the hole and before I could really finish what I was saying she said look she said I picked up the money. She said didn't nobody get the money. She said I got the wire back. And then at this same time she said look she said the bank has sent me the information on the name of the person that had cashed this money order since since for some reason it was lost in the air. She said over the telephone a Melissa Hopkins. And at this time I didn't know who in the hell this female was or that at the time that it was even a female staff or her name wouldn't a never even been on that answering service cuz I know that DOC records everything. So I told her to hold off. I went and spoke to a couple uh people that had known that I had told them I had sent the money and everybody had said that he was good people and he's not cut like this. And when I went to a couple people and I said that name the couple people had told me said look man, don't say that name and and I'm like why? And then a person asked me said uh did your sister say this name over the telephone? I

said yeah. I said this is what the bank said. So then I knew that something had transpired that it was something totally different. On the telephone, you can even check me conversations, I had told my sister I said look send me ... this is before she had told me the name ... I said send me a copy of whoever cashed that money order so I could show this individual so then he would know that somebody in his family is the one that received this money. She had mailed, she had put the um um copy of the money order in the mail. I asked ...

ALLEN: Keep talking.

JACKSON: I asked her ...

ALLEN: I'll make copies of his statement [inaudible].

JACKSON: I I asked her ... there's a a another piece of it that I haven't read yet. It's that one right there. The um [inaudible]. Um I asked her um if ... when she said that she had mailed it I said look go and check the mailbox to see if the mailman had came yet. She said hold on. She went out there about 30 seconds later ... whatever ...

ALLEN: I'm not I'm not really concerned about what your sister was doing outside here.

JACKSON: Ok.

ALLEN: I'm concerned about ...

JACKSON: I didn't ...

ALLEN: ... what's going on here. Ok? You keep going ... see Mr. Mr. Mr. Mr. Jackson, you keep you keep [inaudible] your whole thing. What I want to

know is if you didn't ... ok you told me about going to a mailbox on the outside. Ok. Tell me about what happened here. If you're if you're sent to the Parole Board again ...

JACKSON: [inaudible]

ALLEN: ... say she sent me the paper then or she didn't, and the reason why she didn't send me the paperwork in was because. That's all you gotta do, ok?

JACKSON: Ok. She went and she came back and said she got the copy of the money order. I said hold on to it. I said don't do nothin. She said look do you still want me to press charges on this person? I said I don't know. And that was the end of that type of conversation on the telephone.

ALLEN: On the telephone?

JACKSON: On the telephone. Now this individual is saying that ...

ALLEN: He heard you uh hmm.

JACKSON: ... he heard me. That's a lie. So I put this on there.

ALLEN: Ok.

JACKSON: I said here's the other part. I said on what phone recordings I said it states that this information serves as both notice and summary of confidential information. On what phone recording message [inaudible] by DOC are the allegations to the facts stating by the reporting staff Steve Baxter as the recording staff states this is fact and what he has heard on the machine is the phone recording. And I would like to be able to review and hear this evidence against me in person at this hearing.

ALLEN: Ok. I'm gonna stop you right there. You won't get that tape from DOC. If you want DOC information you have to request that through public disclosure.

JACKSON: Ok. I can [inaudible] stuff for you.

ALLEN: [inaudible] No I'm just ... as you as you ...

JACKSON: I've done that, I've done that, I've done that...

ALLEN: As you go as you go through this here I'm I'm I'm gonna tell you what you need to do.

JACKSON: Ok. I've done that.

ALLEN: And so you can have fair uh uh ...

JACKSON: I've done that.

ALLEN: ... you can't say that you wasn't given the appropriate information.

JACKSON: Right.

ALLEN: Ok?

JACKSON: Right. Right.

ALLEN: Alright. [inaudible]

JACKSON: I I got a kite, I got [inaudible] the superintendant said I got something [inaudible] from the superintendant.

ALLEN: Ok. Ok.

JACKSON: And it says uh that I would like to be able to review [inaudible] against me in person at the hearing. As that's what this allegation alleged against me is all about a recording I would like to have it as you just said that I have to go through public disclosure.

ALLEN: Uh hmm.

JACKSON: I said I'd like it at this hearing. I said where in any testimony of supplemental staff statement that states any of their product directly or indirectly involves me as it being paid for by me or that any of that product was to come to me whatsoever. Or for that matter, that she at any time received any wire from me or my sister for possession or any transfer of any tobacco whatsoever.

ALLEN: Well you just said she received a \$300 check uh money order from you.

JACKSON: Cuz I didn't say she received it I just said ...

ALLEN: You said you said you said your sister sent \$300 of your money.

JACKSON: To the to the P.O. Box.

ALLEN: Ok and and and and and you just said to me not not a few minutes ago that your sister found out that it went to Melissa Hopkins.

JACKSON: She no no no. I said that she was the one ... cuz the money order was blank.

ALLEN: Well she's the one that cashed it.

JACKSON: She was the one that cashed it.

ALLEN: Ok so who who else would it be sent to then?

JACKSON: It was sent to the T.M. Scott. To the P.O. Box of T.M. Scott. I got all that in my [inaudible].

ALLEN: Ok.

JACKSON: Ok. I said I'd like to see this wire, these wire transfer records that I am being implicated on and my sister concerning that we played a part in this illegal conspiracy concerning bringing tobacco or anything into DOC for the record. As [inaudible] money was wired to her so there has to be proof of her statement. I'd like to see that statement that has something to do with me or

my sister that's involved in that. Now what I'd be interested in ... When Steve Baxter and what's his name George Gilbert came and saw me on the 8th when we was put into the hole. Before we was put into the hole we talked and I came here. I said to him I got a kite for you from the superintendant it's right there.

ALLEN: I'm not concerned about the kites of superintendants. This is the hearing I'm having.

JACKSON: I asked I I sent him a kite and I sent it to the superintendant, the superintendant uh Ms. Sherry [inaudible] or whoever [inaudible] they called me back concerning a polygraph test. I said I would like to prove my innocence by taking a polygraph test. The superintendant wrote me back um George Gilbert came and saw me the week of the 12th, him and the other individual that works with him. They called he called Steve Baxter in front of me right inside of this office that I am seeing you and he told him that I wanted to take a lie detector test to prove my innocence that I had nothing whatsoever to do with this allegation or conspiracy or anything to do with any individual or his female staff.

ALLEN: Ok let me read something to you.

JACKSON: Ok.

ALLEN: You do not have a right to cross-examine witness, have the infraction staff present at the hearing ...

JACKSON: I understand that, sir.

ALLEN: ... or have a polygraph or other supplemental test.

JACKSON: Right.

ALLEN: Ok? So you can request it all you want to but that's they don't have to give it to you.

JACKSON: But that's the only ... how oh what is a polygraph ... a polygraph test is to show if you're [inaudible]

ALLEN: If the superintendant approves it that's fine but I'm telling you by this process you're not authorized to have one. Ok? It says it right here in your hearing notice, ok? But if the superintendant decides to give you to allow you to take one he's the only one that can do that. So you're writing the right kite to the superintendant to request that, ok, because we don't do that here at this this level. And we don't put this on hold, ok, for a polygraph test because it states right here a polygraph test is not authorized.

JACKSON: Ok but that's ... a polygraph test is at least to show if there's deceit or deception in whatever they're showing and that would have been able to at least have shown or proved to somebody that whatever questions that they was askin me that I would have been able to uh exoner ... I would have been exonerated for whatever.

ALLEN: Whoa. Ok.

JACKSON: I didn't have nothing to do with that but I'm trying to go home.

ALLEN: Ok.

JACKSON: Now I'm under the Board with a life [inaudible]. I am not ... if you listen and that's why I said if it was something here you could listen to my phone recordings you won't hear none of that at all of me stating anything about staff

supposed to be picking up some money or that they picked up some money or that the uh staff didn't do it, you won't hear none of that in my conversation at all. I never said none of that.

ALLEN: Ok. Alright.

JACKSON: I'm like wow.

ALLEN: Anything else? Mr. Mr. Mr. Baxter specifically said he knew he knew your voice.

JACKSON: Yes he did.

ALLEN: He heard you talk to your sister.

JACKSON: That's what he said.

ALLEN: Heard you talk about staff how how this staff talkin' about the the Melissa Hanson Melissa Hopkins uh staff ok.

JACKSON: Hopkins.

ALLEN: Picked up money and uh were mad that the deals had not been completed.

JACKSON: That's what that man said. That's not on none of my recordings.

ALLEN: Ok.

JACKSON: It's not on my PIN number at all, period.

ALLEN: Anything else?

JACKSON: What else ... what else can I say?

ALLEN: I don't know, I'm askin' you do you have anything else?

JACKSON: Ok now, I know that's part of the evidence right? Ain't that a part of ... that's what the 606 is based on is that ...

ALLEN: It's based on Mr. Baxter's uh verifying that's your voice, that you were the one talking about conspiring to bring in contraband.

JACKSON: Ok. That's what ...

ALLEN: That's what that's what this is based on. Uh uh ...

JACKSON: Now ...

ALLEN: Go ahead.

JACKSON: No no no I'm sorry.

ALLEN: Go ahead.

JACKSON: No no no.

ALLEN: I'm finished.

JACKSON: So if he states that this is [inaudible] recording as far as you being ... so it's not [inaudible] parole hearing and that it's fair aint it that you should at least have the knowledge to be able to have something to hear from ...

ALLEN: First of all first of all special investigations ...

JACKSON: [inaudible]

ALLEN: I'm just telling you special investigator unit said that he verified your voice. I couldn't tell your voice from nobody else's voice. I wouldn't be able to do that. I'm not trained to do that. A special investigation unit individual says that he verified your voice.

JACKSON: I understand that.

ALLEN: They are trained to do that, ok? He ... all I have to have is some evidence, some evidence simply says if staff said you did this ...

JACKSON: Then you did it.

ALLEN: That's all I have to have.

JACKSON: That's the same thing that happened on that [inaudible] last time I told you ...

ALLEN: Well that's all I have to have. That's all I have to have. I told you that before in the last infraction.

JACKSON: And we found [inaudible].

ALLEN: You keep you keep you keep going back other infractions. We're dealing with this infraction, ok?

JACKSON: [inaudible]

ALLEN: Uh uh uh uh some evidence is if staff ok states in a written statement ...

JACKSON: Right.

ALLEN: ... that this occurred ...

JACKSON: Right.

ALLEN: ... that's all I have to have.

JACKSON: I understand you, sir. I understand that.

ALLEN: Ok. So so so so so your questions that you keep asking me, I keep giving you the same answers every time you come and see me. Some evidence is if staff ... if he said you said that. Ok? I I [inaudible] evaluate who he is or what his position is ...

JACKSON: I understand that.

ALLEN: ... ok and see if I think that he's a person that is not ... is untruthful or uh uh uh rat then I will deal with that. I will deal with that in the hearing, ok? So I'm dealing with what you're telling me and what Mr. Baxter is telling me and that's how I'm gonna rule when I finish here, ok?

JACKSON: So even if ... ah see so I'm guilty.

ALLEN: Oh I haven't told you that yet.

JACKSON: I'm guilty, I already ... if you ... if there's if there's nothin' that you ... if there's nothin' that you ...

ALLEN: Ok I'm going off record because uh you keep prolonging this case. I'm going off record and I will make a decision. I will come back with a decision.

[OFF RECORD]

[RECOMMENCED]

ALLEN: Back on record with inmate Jackson Vernon 283484. Inmate Jackson, based on the infraction report and special investigative unit, investigator stated stated that he heard uh and could identify the offender's voice in conspiring to introduce contraband. I'm going to find you guilty of this infraction. Sanction being imposed is 10 days [inaudible] credit time served. Um loss of five days good conduct time. You have a second infraction here, too. And that's a 728 ...

END

CERTIFICATION

I, Denice Rochelle, declare under penalty of perjury under the laws of the State of Washington that the foregoing is a true and accurate transcription in accordance with RCW 9A.72.085 or any law amendatory thereof.

11-7-08
Date

Denice Rochelle
Denice Rochelle

(1)

1 → A Associate of mine told me that he knew someone who could get my web site Pages done for me.

2 → As every body, even staff knows that I had been asking every one for this help As I would pay for this service.

3 → So late September I was introduced to this inmate at the law library. As he stated to me that through J.D. his friend he would not charge me Really being in Prison knowing one do not have money like what I wanted to have done, As I begged all I want to have done and look over by him.

4 → He Ask me what could I afford, which we talk, and he said he would only charge me \$300. And Ask when could I send the \$\$\$ I told him soon As I could speak to my family.

5 → He stated that once the money was there His family would get on it, and that I would get copies of the work done every 72 hours in the mail here. And once everything was done to my liking, he would have the Disk with the info. sent to my people.

6 → He gave me a P.O. Box number and stated to leave the money order blank.

7 → I sent to the P.O. Box under the name T. M. Scott A lot of paper work on my Dating Service SEP 2000 even a few I did not have copies of. I sent this before the \$\$\$ with a stamp envelope address back to me.

(2)

I had my sister get the money from her bank, even though she did not want to send no money order without a name on it. Sent late week of Sept.

So for some reason, the guy said my money had not gotten there? but my paper work did? So this went on for a few weeks. Yes I was tested "300" dollars in the air.

So at this time I had my sister on it to run a trace on that money to see if it was cash or not, because the person I sent it for, for my web pages said he or his family had not gotten it

my sister told me that she was going to press charges on who ever name came back on this if it was cash, that her bank would reimburse the money back if it was lost or stolen, if it was cash and the money never made it to him it was stolen. So I would get the money back either way.

~~I was told if the money was~~

~~new~~ I needed those web pages done, for only \$300, that was a deal ^{that} I would never pass up. So I spoke to this inmate again, after asking others about him, stating what had happen with my ~~dog~~. That others ^{had} said he was not gut like that. Like I said, I needed my web site & pages done very important

I went up to this man and stated all I was doing concerning that money, and gave to him the money order number, and that I wanted to still mess with him, and he stated, if the money did some how showed up he would send it back.

3

So I told him that ^{that} was a big lesson learn that I would never ever again send to "any one" a money order without someone's name on it, that it would be certified, so who ever, would have to sign for my money.

13

I told him that I would have my sister wire ~~the~~ something, so that it would be done now, and my project would get finish. So that the sooner it was all done to my liking, the disk would be at my sister's safe keeping.

14

so he gave me the name and info to wire it to.

15

I spoke to my sister who did not want to deal with this person or his family wire or wire so she said she would do it, but that she would put a safety net on the wire, meaning that one could check to see that there is a wire there, but with the safety net one could not pick the wire money up without knowing the code name, which she picked the word gemini. so it was done. the wire was done ~~the~~ 10-17-07

18

with the understanding that Sunday ^{it was set} ~~she~~ pick up she would go and claim her money. I spoke to him a few minutes after, and told him that my sister said Sunday she would pull her money. he told me he could not get ahold to his people ~~and~~ at that time, and to leave the money there till that Monday 10-22-07

19

spoke on T&S coming to see me

1 - lie test.

2 - state I told them she's on the photo was my sister
when I was seen on north side they did not know.
it state this interaction serves as both notice
and summary of ~~confidential~~ confidential informant

Page

12 - of 21

① on what phone recording message frame by Doc
are the alleged ~~at~~ deflection to the fact, stated
by the reporting staff Steve Baxter. As the
reporting staff states, this is fact and what
he has heard on the machine. that does the phone
recording. As I would like to be able to
review and hear this evidence against me
in person at this hearing. As that's what
this alleged allegation against me is all
about a recording I would like to have it
as recorded at this hearing, on this copy.

② where in any testimony or supplemental staff
statement that states any of that product
directly or indirectly involves me as it being
sold for by me, or that any of that product was
to come to me, what so ever. or for
that matter, that she at any time received
any wire, from me or my sister, for possession or
introduction or transfer of any tobacco what so ever.

③ I'd like to see these wire transfer record that
I am being implicated on and my sister concern
that we played a part in this illegal conspiracy
concerning buying tobacco or anything else Doc
for the record. As she is stating wrong was wire to
her, so there has to be proof of her statement I'd like to see it

④ what date was this alleged ~~confidential~~ recording received
by Doc. start off of ~~where~~ Island



99-1-03966-3 29258040 DOCC 02-27-08

FILED
IN COUNTY CLERK'S OFFICE
A.M. FEB 27 2008 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

COURT- PRISON SPECIAL
5990/5256 SUPERVISION CLOSURE

REPORT TO:	The Honorable Sergio Armijo Pierce County Superior Court	DATE:	01/14/08
OFFENDER NAME:	SWIRCZYNSKI, Michael Patrick Owen, Michael; Swirczynski, Michael P; Jenkins, Michael; Henson, Michael; Maybell, Russell P; Owens, Michael; Domino; Jenkins, Michael P; Swirczynski, Michael Patarick; Swircztaska, Michael Patrick; Swirczynski, Michael; Swirczynski, Michael P Possessing Stolen Property in the Second Degree	DOC NUMBER:	727943
AKA:		DOB:	02/13/75
CRIME:		COUNTY CAUSE #:	99-1-03966-3
CONVICTION:	Felony	DATE OF SENTENCE:	11/12/99
SENTENCE:	1Y 6M	TERMINATION DATE:	02/28/08
PRESENT LOCATION:	Department of Corrections	STATUS:	Closed upon release
MAILING ADDRESS UPON RELEASE:	8324 132 nd Street Court East Puyallup, WA 98373	CLASSIFICATION:	OMB upon release

Per RCW 9.94A and /or RCW 9.95.210 the offender does not meet the criteria for continued supervision by the Department of Corrections. Therefore, we have closed supervision interest in this cause.

The above listed offender has been accepted for supervision under the terms of Interstate Compact for Adult Supervision (ICAO): ☐ YES ☒ NO

The following information reflects the offender's compliance with the indicated Court ordered

DOC 09-182 (03/06/06) PDL DOC 350.380 DOC 380.605

Court- Prison Special 5990/5256 Supervision Closure
Page 1 of 5

1
2 IN RE THE PERSONAL RESTRAINT
3 PETITION OF
4 VERNON VEON JACKSON
5
6
7

)
)
) DECLARATION OF VERNON JACKSON
)
) AND ATTACHMENTS
)
)
)
)
)
)

8
9 My name is Vernon Veon Jackson, I am over 18 years of age
10 and declare as follows:

11 If the recordings of any of the prison telephone
12 conversations I had with my sister between July and October,
13 2007, were listened to, they would show absolutely that we never
14 talked about "staff" picking up money or that I sent money to
15 other offenders for contraband.

16 I wrote letters and kites to prison officials, including
17 the Superintendent and Associate Superintendent, chief
18 investigator, prison administrator, Deputy Secretary of
19 Corrections and others, pleading with them to save, listen to
20 and/or disclose the audio recordings which would show that I was
21 innocent of any involvement with contraband. I have attached one
22 letter to MICC Supt. Van Boening as an example. (See Attachment
23 #1)

24 I explained at the disciplinary hearing and in my written
25 statement submitted at the hearing that I had a financial

1 arrangement with an inmate named Domino concerning a web page
2 project I was working on. This project concerned a website for a
3 dating service for people with herpes. I have attached letters
4 and other documents showing that I had been researching this
5 business idea for several years. These materials include a
6 letter from the Department of Health, dated 1/25/06, responding
7 to my questions about herpes; a letter from the "commission on
8 African American Affairs," dated 2/23/06, addressing my idea of
9 starting a dating service for people with herpes; and samples of
10 my webpage ideas for which I was paying Domino's family to help
11 me on. (see Attachment # 2) Over time, I had been speaking to
12 DOC staff and they all knew what I was doing.

13 Any phone conversation with my sister, Sheila Henley
14 concerned my web page project and payment for related services.
15 Upon instructions given to me by Domino, she had sent a blank
16 money order to a designated P.O. Box that was supposed to be
17 picked up and cashed by Domino's family in exchange for the work
18 on my web page design. Domino told me that his family had not
19 received the money order. It was not picked up by his family and
20 therefore my sister had the bank trace the money order to find
21 out if it had been cashed.

22 On or about 10/17/07, a month after the money order was
23 sent (and not cashed by Domino's family) and before we found out
24 that Melissa Hopkins had cashed the money order, also upon
25 Domino's instructions, my sister wired money to "Jennifer

1 Balmer" with a code word of Gemini, to make sure that only an
2 authorized person could pick up the money. This was also for the
3 web page project. On 10/22/07, I called my sister and I found
4 out that the bank sent her a copy of the cashed money order
5 bearing Melissa Hopkins' signature.

6 The phone conversation, which occurred on 10/22/07
7 between me and my sister, concerned the money order that had been
8 stolen (cashed by someone not related to Domino). And that is
9 when my sister stated she was going to file charges on her. I
10 have attached copies of the police report she eventually filed
11 with the Renton Police. (See Attachment #3) I have also attached a
12 copy of the money order that was filled in and signed by Melissa
13 Hopkins that the bank sent to my sister. (Attachment #4) I have
14 also attached a declaration by my sister, Sheila Henley, saying
15 that she did not participate in the introduction of contraband.
16 (Attachment 5)

17 If a tape of the 10/22/07 phone conversation had been
18 reviewed by the hearing officer, it would show that my sister
19 told me that the money order had been traced and that the name
20 on it was "Melissa Hopkins" (or "Higgins") and that Hopkins had
21 cashed the check. The recording would show a delay, when I went
22 and told a few of Domino's associates in my unit about this and
23 I was asked by one of those associates whether my sister stated
24 this name over the phone. I said yes, and they told me not to
25 repeat this person's name (I still didn't know who she was).

1 Even at a meeting with Steven Baxter and George Gilbert (the
2 investigators), who showed me a photo of a woman, I could not
3 identify her. The tape would show I got back on the phone and
4 my sister told me she had placed a copy of the cashed money
5 order in her mail box. And I asked her to retrieve it if
6 possible. That was the end of our conversation on that subject.
7 I was upset because, obviously, something funny was going on
8 (which I didn't know anything about) and, knowing that the
9 conversation was being recorded, now DOC would have heard us
10 mention the woman's name on the phone. And Domino's friends knew
11 something.

12
13 I was going to see the parole Board on January 16, 2008
14 and wanted to show them my web page plans for my employment.
15 When I did see the Board, mainly because of the infraction, they
16 refused to even consider parole. But the panel members did tell
17 me that if it turned out that I was not guilty of the
18 infraction, they would schedule another parole hearing. At no
19 time did my sister and I discuss or know anything about Melissa
20 Hopkins, tobacco or any contraband. All I knew was that I was
21 giving money to Domino in exchange for his family creating web
22 page designs for me for my post-release business plans.

23 The prison recordings would back me up completely on this
24 and that's why I requested prior to, during and after the
25 hearing that DOC provide the tapes.

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2
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7
8 I declare under the penalty of perjury under the laws of
9 the state of Washington that the foregoing is true and correct,
10 to the best of my knowledge.
11

12 Signed at MONROE, WA
13
14

15 Dated this 21 day of
16 January, 2009

17 
18
19
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23
24
25
VERNON VERNON JACKSON

2-18-08

To: Mr. Ron Van Boening
"Superintendent"

Superintendent Mr. Van Boening in December As of the 13th I sent you a letter asking that you as being the Superintendent Preserve and Protect Any and All Alleged phone call Scams messages or my Pen # 74691138 that dealt with the 606 interaction that LT Allen had found me guilty for to make sure that the conversation of Sorry this alleged conversation that was to have been heard by a Steven Baxter SIA could not come back and say someone mistakenly ERASE it. Like I said I Ask a day later after my hearing. So to make sure that this some what imaginary ghost Scam was there still for someones viewing. ??? PRP

Mr. Van Boening Sir, I forgot to ask this question of the Superintendent, because as the Superintendent there should not be anything going on in your Prison that calls for a emergency investigation without either your Associates or Mr. Gilbert keeping you inform on this "SERIOUS" matter that you your self may have to be that person to answer to what ever the question ask that only the head person is to answer no under Bosses or others out side of your office but of Mr. Ron Van Boening.

Mr. Van Boening, do you know of the evidence that you stated to me on your memo dated 1-3-08? because I am wanting to know from

Attachment
~~XXXXXXXXXX~~ 1

2.

Mr. Van Boring Superintendent what evidence have you ask of to be protected for me what? As you stated when you spoke to Mr Gilbert to Preserve any evidence he, not MRCC may have concerning my investigation or this man a Steven Baxter stated he heard on "MRCC" phone frames.

So am I correct to say that since these allege phone frame is to have came off of the system of MRCC that "you" still have those frames intact at MRCC?

Then for Mr Gilbert to Preserve and Protect anything, he him self would have had to listen, or what he had been order by you his Boss to Protect, am I right, now for him not to hear what he was told to Protect, how would that play out? I am thinking he would let his "Boss" know you! that the allege frame or frames stated in Mr. Baxter statement could not be found to Protect.

So now for that to be the case at hand him knowing theirs no statement like that to be Preserve, As he would have to be told where this frame statement is to Preserve and Protect right! you as his Boss would know this information I would hope, or do you allow your staff to hold back information for sure being conducted by olympia but him knowing about it and the (Boss) you dont? I dont!

3.

think so.

Mr Van Boring Concerning this alleged frame, I ask Mr Gilbert if he himself had heard these frame, And he stated to me that the investigation was not at all being conducted by him or was he involved, that I would have to send my questions to Doc SFA if I wanted answers & to direct it all to "Doc SFA".

So I will ask you again so I will know what ARE we protecting? I would like to know SEEN we "you" are protecting this imaginary ghost frame, for me? As I ask by me. What "date" and "time" is this statement again so that it do not get lost within the rest of my conversation on my Per #. "conversation" [that I was talking to a female on the other end about a person, "staff" had picked up money and how either of us was upset conversation that some deal had not been completed by that person, "staff"] this is the statement or conversation one should look for to hear something of that nature.

Mr Van Boring Sir, I have sent to you Kites dated and letter attach to them concerning this matter and the guilty upheld finding, by your Assoc Mr Sean Murphy, stating he never met to the phone frame conversation in his finding, kite 1-20⁰⁰, 1-30⁰⁰, 2-3⁰⁰, 2-5⁰⁰,

I am hoping that you will attend reply back soon on my conversation to you. ad my

4.

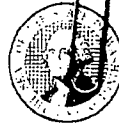
CONCERNS, dealing with what information
ARE your office protecting for me? And
what is the date and time on this letter
that I made this conversation again; So like
I said it do not get mixed up or lost in
the rest of my phone # number conversation.
this that I just stated should be A VERY EASY
AND simple process for you Mr. Van Boening. As
you being the Superintendent that not involved
what so ever, out side of these allege happening,
going on in your prison, that you do not have
anything to hide what so ever. So I look
forward to the asked information I spoke on to
you in this 4 page very important letter.

Mr. Ron Van Boening, this is to be answered by you
and not one of your Assoc.

Sincerely

Derran Dean Johnson

cc: Law offices of William Nippolitto in Va.
Cindy Jordan in Spokane. Whitney R. Davis, Las Vegas NV.
William H. Gates Hall - University of Washington School
of Law. HQ and file



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

January 25, 2006

Mr. Vernon Veon Jackson
283484 FSB-11
Stafford Creek Correction Center
191 Constantine Way
Aberdeen, Washington 98520



Bonnie Nickle, RN, MPH
STD Education Resource Coordinator
STD/TB Services

Department of Health
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360-236-3498
FAX: 360-236-3470
Bonnie.Nickle@doh.wa.gov

Dear Mr. Jackson,

This letter comes in response to your five pages of questions on herpes. First of all, congratulations on your college work. I am sending you research-level articles and education materials for your term paper. In order to respond to your questions, I will try one page at a time:

Page 1.

Your question on a map of the US with herpes cases pinpointed as to reported cases brings us to a halt. As you can see from the educational materials, herpes is an asymptomatic infection. This means that most (70%) who are infected have NO SYMPTOMS. At this time herpes is NOT a reportable disease in many states, so the epidemiology is a real problem. Washington state, where much of the herpes research is done, does list it as reportable for the initial (primary) infection and for neonatal herpes. At this time only seven states list even neonatal herpes as reportable. This would not, of course, give an accurate picture since so few people have symptoms. An official Washington state morbidity report is included for your use. I am also sending national data gathered from physicians' offices. This is something that is done at the US Centers for Disease Control and Prevention (CDC) to try to make up for lack of state reporting data. I cannot pinpoint cities and states for you. Many of the states with the highest number of STDs are poor and not that great at devoting funds and staff to accurate reporting of a disease that has no symptoms for most people who are infected.



Page 2.

The head office for all health departments is CDC in Atlanta. They do not usually respond to individuals. What they do for consumers is post STD information on the internet and I have included some of this for you in this packet. Seattle King County has a much better web site for herpes and other STDs and I am also sending this information to you along with the 44-page Westover Clinic handbook.

At this time there are treatments but no cures for herpes. I am sending you price and clinical information on the three antivirals we use at this time along with some research papers on the antivirals. Acyclovir (Zovirax) is not a new drug, so a lot is known about it. We use it for newborns and from time to time it is proposed that it be sold over-the-counter. I've included information on this argument. The two newer herpes antivirals, Famcyclovir (Famvir) and Valacyclovir (Valtrex) are what researchers call analogs of the older drug. Basically, that means that it is almost the same, but it has been tweaked so that patients can take fewer pills or it suits some with regard to side effects. -

There is no cure for herpes at this time. Since anyone with anything approaching a cure could become very rich, there is no reason that anyone would "hide" a cure. Since I've been here at the State Department of Health (17 years) there have been 3 vaccine trials for herpes -- all have failed. Everyone, rich or poor, is interested in a vaccine that could cure this infection. And, since so many rich people have the infection there is great interest on the part of pharmaceutical companies in finding and selling a cure.

A very severe primary infection could send a patient to the hospital for a couple of days. But, for most healthy people with an intact immune system, herpes is controllable. Each individual is different and there are many things about herpes that are simply not known. People with immune system problems such as those undergoing cancer treatments, those taking transplant drugs, or women during pregnancy can have unusually severe problems with herpes. The real train wreck with herpes occurs when a pregnant woman who has never been exposed to the virus is infected for the first time during the third trimester. Neither the Mom nor the fetus has any antibody protection and this is when medical people see death or awful birth defects.

For physically healthy people, herpes can be devastating in the psychological sense and I've sent you a research paper on this aspect of the disease.

As to your question on "where herpes came from," all that can be said at this time is that about 100+ herpes viruses have been identified, with at least eight infecting humans. Horses and other creatures have their own herpes viruses and they are not transmitted to humans. It is not known where it came from, but the human form has evolved to depend on latency, not having symptoms, for its success. With skin diseases that have symptoms all the time like leprosy society tends to set up (ignorant ineffective) rules to deal with it. It is also not known what causes periodic activation of the herpes infection, though many individuals can make predictive statements as to when their outbreaks will

occur. They cannot, however, sense WHEN THEY ARE SHEDDING VIRUS WHEN NO SORES ARE PRESENT.

- The term herpes comes to us from the Greek, "to creep" and has been used in medicine for at least 25 centuries. Herodotus in 100 AD described cold sores and in 1736 the French physician John Astruc fully described genital herpes and an English translation of his work appeared in 1754. For most of human history herpes would have been considered a very minor misery.

There is no data for the US for 2006. It takes a year to analyze, collate and publish data from the previous year. See the physicians' office sheet for estimates of the number of Americans infected.

Most countries on this planet do not collect data on herpes. Most countries are too poor and preoccupied with far more serious infections. In a few poor countries research on HIV includes herpes because herpes may provide a break in skin protection that allows entry of HIV. This research, the tests, etc. come from outside those countries.

Very few countries have citizens rich enough to afford herpes tests and herpes drugs. The Scandinavian countries, England, Canada, and W. Europe, Japan, Australia and New Zealand have enlightened health systems and rational STD education, testing and treatment. This is more problematic in the US and most of the rest of the planet. Look at the price for a year's herpes treatment (in your packet). I've also sent prices for the tests. How many people on this earth can afford that?

I do not have addresses for the ministries of health in other countries. Just look up the capitols and address the letter to the ministry of health. When you get out you can go to your local public library, get on the internet, and try each likely country. Again, be careful to inquire only in very rich countries so you don't insult those who cannot afford to worry about herpes.

Page 3.

I don't know if I understand your question about partners. If both have type 2, they will not be re-infected since they both now have antibodies to herpes type 2. If they both have type 1 the answer is the same. If one has type one, and the other has type 2, they can infect EACH OTHER with the type that is new to them. It does NOT matter whether one has symptoms. What is important is asymptomatic infection. Read the education materials. Unless you are part of a research program at UW and are tested with a DNA viral probe EACH DAY you do NOT know when you are shedding virus. That is why it is called asymptomatic viral shedding – you have no way of knowing. The research on this was done in pregnant women who were very "in tune" with their bodies, and claimed to be able to feel when they were about to have an outbreak. Twice a day a taxi came to their homes, collected tampon samples and journal entries, and took it to the viral lab for

This information comes to you with my best wishes for success with your project.

Sincerely,

Bonnie Nickle RN, MPH
Washington State Dept. of Health
STD/IB Services
POB 47842
111 Israel Road SE, 2nd floor
Tumwater WA 98501-7842
(360) 236-3460 FAX: 236-3470
hotline: 1-800-272-2437 – choose the STD option
E-mail: bonnie.nickle@doh.wa.gov

File: DOCstafford06



STATE OF WASHINGTON
COMMISSION ON AFRICAN AMERICAN AFFAIRS

www.caa.wa.gov

February 23, 2006

Vernon Veon Jackson
283484 FSB-11
Stafford Creek Correction Center
191 Constantine Way
Aberdeen, WA 98520

Dear Mr. Jackson:

I am responding to your letter dated February 20. Your letter states that you want to start a ~~dating service for people with herpes~~. You continue that no other program of this kind exists and that this is a great money making opportunity.

You did not outline your exact needs, but it appears you want help in getting this business idea off the ground. I am referring you the director of the Urban Enterprise Center at the Seattle Chamber of Commerce. His name is Herman McKinney and his mailing address is below:

Herman McKinney, Director
Urban Enterprise Center
c/o Greater Seattle Chamber of Commerce
1301 Fifth Ave., Suite 2500
Seattle, WA 98101-2611

Also, you should know that a dozens of match making and dating services exist for people with herpes and other sexually transmitted diseases. That does not mean, however, that you should give up on your idea. You may need to look for ways to make your business idea competitive with the others already in this trade.

Good luck to you.

Best regards,

Rosalind Jenkins
Executive Director

Cc: Herman McKinney



S.E.P.R.E.H.

Click twice



SIGN-IN

S/IN

Pass word

There are over 50 million people infected with **ASYMPTOMATIC** (herpes) in the world today. The goal of **S.E.P.R.E.H.** is to provide a Web Site where those people can meet each other. Whether you are looking to find a soul mate, enter relationship, or just make friends with people who also have herpes, you can find them here.

Browse, for people in your area, or find a pen pal across the country. Our Web Site also provides info on **AYSMPOMATIC** and Web Sites you can visit to learn more.

- **BROWSE OTHER MEMBERS IN YOUR AREA**
- **FIND A PEN PAL**
- **INFORMATION ON AYSMPOMATIC**
- **RELATED SITES**

CLICK HERE TO JOIN

GET YOUR FIRST 30 DAYS FREE

BEAUTY IS IN THE EYES OF THE BEHOLDER

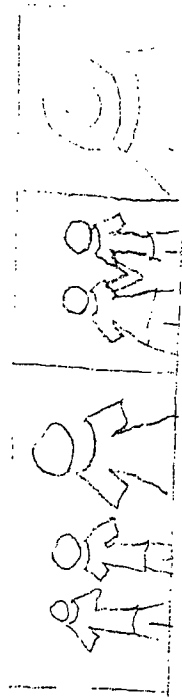
Capt. Sepher 3000
Kevin Van Jacob → 7-8-07

HTTP://WWW.SEPREH.COM

← BACK → FORWARD ⊗ STOP ⬆ HOME

SEPREH.

SIGN-IN



NETWORKING FOR PEOPLE WITH HERPES

THERE ARE OVER 50 MILLION PEOPLE INFECTED WITH ASYMPTOMATIC (HERPES) IN THE WORLD TODAY.

THE GOAL OF SEPREH IS TO PROVIDE A WEBSITE WHERE

THOSE PEOPLE CAN MEET EACH OTHER, WEATHER YOUR

LOOKING TO FIND A SOUL MATE, ENTER A RELATIONSHIP,

OR JUST MAKE FRIENDS WITH PEOPLE WHO ALSO HAVE HERPES, YOU CAN FIND THEM HERE.

BROWSE FOR PEOPLE IN YOUR AREA, OR FIND A

PEN PAL ACROSS THE COUNTRY. WE ALSO PROVIDE INFO

ON ASYMPTOMATIC AND WEBSITES YOU CAN VISIT TO LEARN MORE.

• BROWSE OTHER MEMBERS IN YOUR AREA

• FIND A PEN PAL

• INFORMATION ON ASYMPTOMATIC

• RELATED SITES

(CLICK HERE TO JOIN)
GET YOUR FIRST 30-DAYS FREE

6-15-07

LOGO

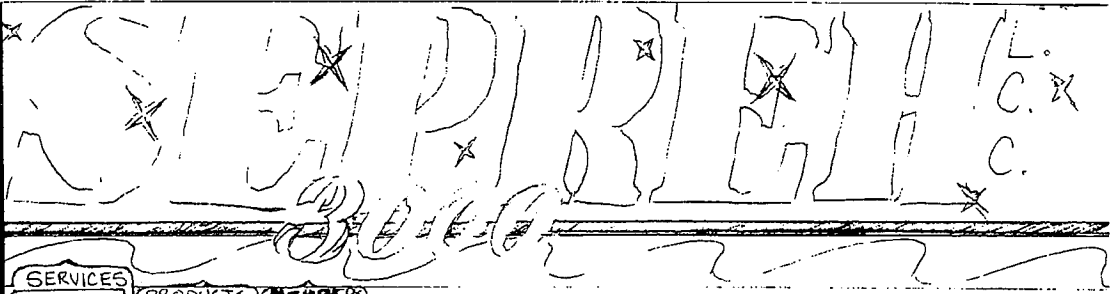
PAGE
BACK

PAGE
FORWARD

HOT-LINKS

- Home Page
- Sepren 3000
- Eyes of the Beholder

ADVERTISEMENTS



SERVICES

PRODUCTS

MEMBERS

Eyes of the Beholder, your comprehensive dating service!..

* Description of this site's purpose & immediate goals

* Description of this site's services

* History of this site & future goals

#10

X BECOME A MEMBER X

New Membership // Renewal // Send Invitation to Friend // Browse Member Pages //

MAIN PAGE

SEPREN 3000

"Eyes of the Beholder"

- Site's Purpose
- Site's Goals
- Site's History
- Questionnaire's
- News
- Promotions
- Advertisers/Contributors

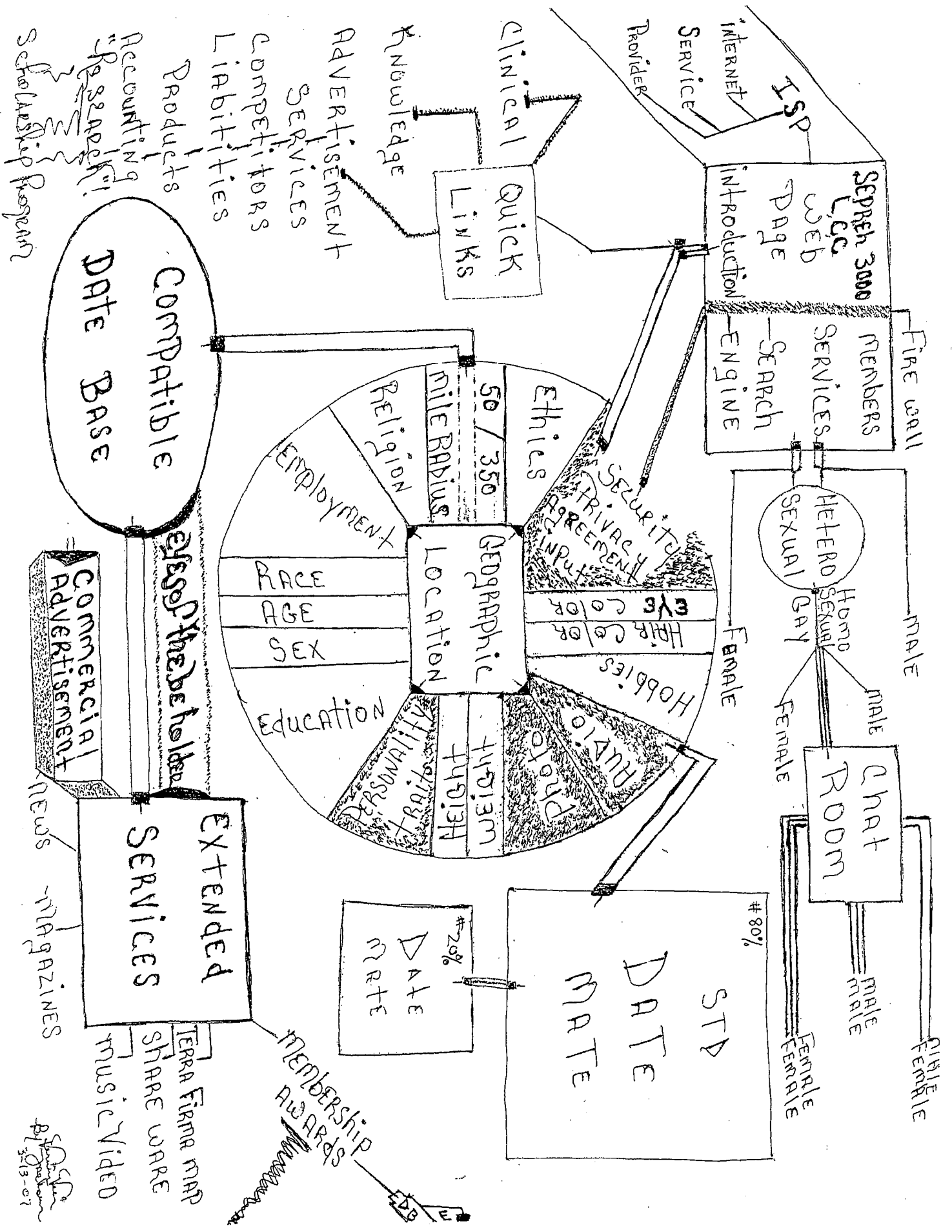
MEMBERS

- Mail
- New Search
- Old Searches
- MY Profile/MY PAGE
- Friends
- MY Links

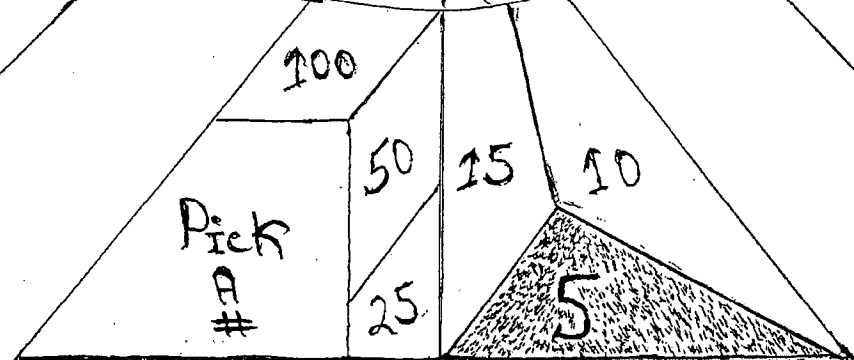
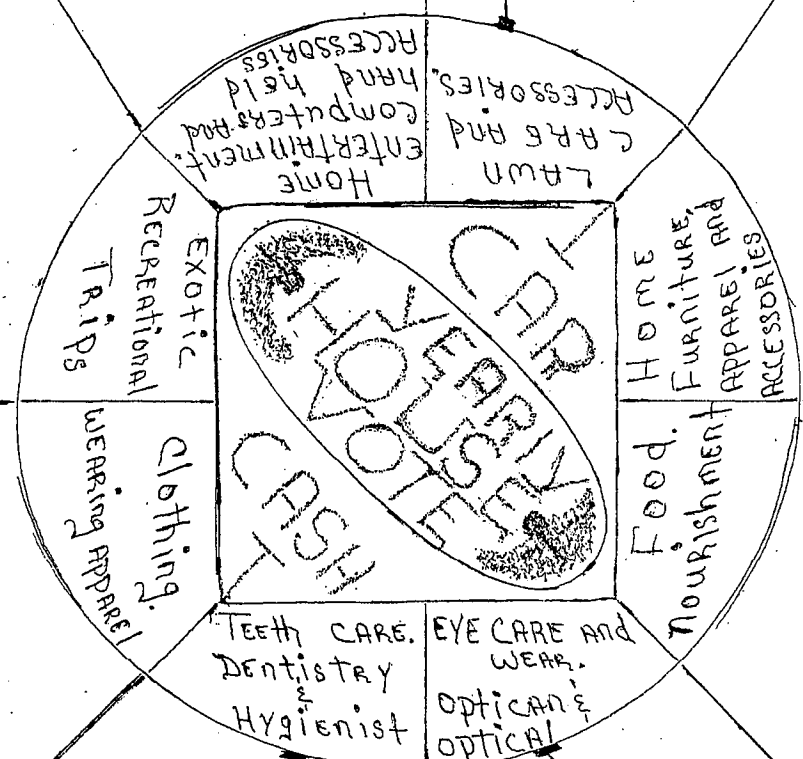
SERVICES

- Sepren New Members
- Member Promotions
- Clubs/Events
- Products
- Clinical Info
- Clinical Resources
- CHAT ROOM

wrote
7-17-07



D.B. entry



S.

By Jackson
3-13-07

SEPREH 3000 WILL NEED 7 PEOPLE A DAY TO JOIN OUR SERVICE FOR 2,500
FOR OUR FIRST YEARS CALCULATION

1 MEMBER ATLEAST EVERY HOUR OF A WORKING DAY
SEPREH WILL RUN 7 DAYS A WEEK

7 DAYS X 7 CLIENTS = 49

7 DAYS X 8 CLIENTS = 56

4 WEEKS IN A MONTH

4 WEEKS X 49 CLIENTS = 196

4 WEEKS X 53 = 212

12 MONTHS IN ONE YEAR

12 MONTHS X 196 CLIENTS = 2352

12 MONTHS X 212 CLIENTS = 2544

WITH 200,000% CHANCE AT HAVING 2,500 PEOPLE IN A YEAR OR LESS TO
JOIN SEPREH 3000 OUT OF 50,000,000 MILLION INFECTED = 200,000%

2,500 DIVIDED INTO 50,000,000 MILLION = 200,000%

5 TO 10 YEAR PLAN IN SERVICE

500.000	2.500.000
x \$60.00	x \$60.00
\$30.000.000	\$150.000.000

500.000	2.500.000
x \$85.00	x \$85.00
\$43.000.000	\$215.000.000

500.000	2.500.000
x \$120.00	x \$120.00
\$60.000.000	\$300.000.000

THE TOP PART AT THE BOTTOM OF THE PAGE, MATHEMAICALLY NUMBERS OF THE MANY PEOPLE OR CLIENTS TIMES THE FEE THAT SEPREH 3000 BEAUTY IS IN THE "EYES" OF THE BEHOLDER, PICK A NUMBER/WRITE AN ESSAY COULD HAVE JOIN IT'S SERVICE.

HERE ARE THE 3 DIFFERENT FEES THAT ONE SHALL HAVE THE OPPORTUNITY TO PICK FROM EITHER IT BEING 4 MONTHS FOR \$60.00 DOLLARS OR 8 MONTHS FOR \$86.00 DOLLARS OR 12 MONTHS FOR \$120.00 DOLLARS.

SEPREH 3000 SERVICE IS TO MATCH OUR CLIENTS UP ACCORDINGLY WITH THE RIGHT GENDER REQUESTED THAT HOLDS THE RIGHT PERSONALITY TRAITS THAT ONE WOULD BE LOOKING FOR, TO BRING JOY AND HAPPINESS IN EACH OTHERS LIVES, TO FULFILL THAT EMPTY VOIDED SPACE IN ONES LIFE.

I AM ONLY TALKING ABOUT A FEW MICRODOTS OF A FEW THOUSAND ONLY OUT OF 50 TO 60 MILLION, IN THE UNITED STATES ALONE, NOT COUNTING OTHER COUNTRIES THAT I PLAN TO ALSO REACH OUT TO AND HELP WITH MY SERVICE.

HERE ARE MY FIRST YEARS CALCULATION BY MY STUDY OF WHAT SEPREH 3000 BEAUTY IS IN THE EYES OF THE BEHOLDER, PICK A NUMBER/WRITE AN ESSAY COULD GENERATE IN IT'S FIRST YEAR OF SERVICE IF NOT WAY MORE BY ALL THAT'S CONCERN.

HERE ARE SEPREH 3000 CALCULATION ON THEIR 5 TO 10 YEAR PERIOD BY THEIR STUDY THAT COULD FOR SURE TAKE PLACE ONCE STARTED ON THE RADIO, INTERNET, AND T.V. THE RIGHT WAY OUT OF 50 MILLION PEOPLE INFECTED IN THE USA, WITH 500,000 THOUSAND TO 1 MILLION NEW CASES EACH YEAR.

THIS THAT I SEE, COULD HAPPEN THE WAY THAT IT'S FELT INSIDE OF MY HEART AND MIND.

THEIR ARE AT THIS TIME NO HERPES DATING MATCHING SERVICE ON T.V., MEANING OURS WOULD BE ONE IF NOT THE VERY FIRST ONE TO COME OUT ON T.V.!

THIS SIDE IS MY FIRST YEAR IN SERVICE

2.500
x \$60.00
\$150,000.00

5.500
x \$60.00
\$330,000.00

9.000
x \$60.00
\$540,000.00

2.500
x \$86.00
\$215,000.00

5.500
x \$86.00
\$473,000.00

9.000
x \$86.00
\$774,000.00

2.500
x \$120.00
\$300,000.00

5.500
x \$120.00
\$660,000.00

9.000
x \$120.00
\$1,080,000.00



Renton Police Department

Case Report

Detail

Print Date/Time: 06/10/2008 09:15
Login ID: sblair
Case Number: 2008-00005860

*RENTON POLICE DEPARTMENT
ORI Number: WA0171300

Domestic Violence: No Domestic Violence Referrals: Federal Agencies Involved: No

Arrests

Property

Date	Code Type	Make Model Description	Tag No. Item No.
06/04/2008	Stolen Negotiable Instruments	\$300 Dollar cashiers check (Bank of America personal money order)	

Seq #1

Property Codes	Property Type: Negotiable Instrument	Property Class: Miscellaneous	Date Received: 06/04/2008
Stolen	UCR Value: \$201 & Over	Initial Value: \$300.00	Stolen Location:
Quantity: 1.000	Unit Of Measure: Each	Measurement Source:	Description: \$300 Dollar cashiers check (Bank of America personal money order)

Associated Subjects

Type	Name	Address	Phone	Notified How	Date
Owner	Shiela G Henley	305 LIND AVE SW #4 Renton, WA 98055	(425) 228-9711		
Lein Holder:		Bank of America personal money order			

Suspect Vehicles

NARRATIVE Jun 04 2008 14:20

Case # 200800005860 created By: JTEMPLETON - on: 6/4/2008 2:20:51 PM

On 6-4-2008 at about 0940 hrs, I was dispatched to 305 Lind Ave SW #4 regarding a theft.

Upon arrival, I contacted Shiela G. Henley. She related to me the following. She stated her brother is incarcerated at the McNeil Island Correctional Facility. She stated in September 2007, he was due to be released, and asked her to help him set up a web site so he could get a job when he got out. Henley voluntarily sent a \$300 money order to set up the site. The money order was sent to a "T.M. Scott", at an unknown address in Lacey, WA.

Henley stated she was not concerned about the money until her brother got involved in an internal investigation at McNeil. She stated there is a scandal involving smuggling of tobacco products at the McNeil Island facility involving the prison staff. Henley stated she got concerned about where her money order ended up, and had Bank of America do a trace on it. She stated it was cashed by a "Melissa Higgins" in Lacey, WA on 9-21-07. Henley stated "Melissa Higgins" is not the person who was supposed to cash the check. Henley stated "Higgins" is one of the prison guards who got her brother in trouble. Henley demanded a report, and wants "Higgins" prosecuted for stealing her \$300 check.

Henley was unable to provide me with any information as to who "Melissa Higgins" is, or where she would be found. Henley was unable to provide me the address of where she mailed the check. Henley stated she is the victim of a \$300 dollar theft, even though she sent the check voluntarily. Henley provided me with a copy of the



Renton Police Department

Case Report

Detail

Print Date/Time: 06/10/2008 09:15
Login ID: sblair
Case Number: 2008-00005860

*RENTON POLICE DEPARTMENT
ORI Number: WA0171300

cashiers check. It is signed by Melissa Higgins. Henley stated it is not her writing on the check. There is no further suspect information other than the name. Henley was provided with a case number on my business card.

The above incident occurred in the City of Renton, King County.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

J. Templeton #10337

Routing:

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Insurance Company | <input type="checkbox"/> Juvenile Prosecutor | <input type="checkbox"/> Renton Municipal Court | <input type="checkbox"/> Metro Transit |
| <input type="checkbox"/> CPS | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other Jurisdiction | <input type="checkbox"/> King County Prosecutor |
| <input type="checkbox"/> DV Advocate | <input type="checkbox"/> RMC Prosecutor | | |

Sequence Number: 0450948419
Capture Date: 09/24/2007
Check Number: 4088482020

$$\begin{array}{r} 12.2 \\ \hline 1250 \end{array}$$

ISSUE DATE: **September 19, 2007**

DRAYER SIGNATURE

110017415

~~A Hachiment~~

Date issued: September 19, 2007
NO.: 4088482020

PAY TO THE ORDER OF: _____

(Please fill in the above information as soon as possible.)

Personal Money Order purchased in the amount of: ***\$300.00***

NOT NEGOTIABLE**Important Information for Purchaser**

Purchaser (Drawer) agrees to be bound by the following terms. Please treat blank forms as cash and fill them out as soon as possible. If they are lost while blank, they may be paid when presented and your funds can not be recovered if a stop payment hasn't been placed in time. Be sure to complete this form in ink, indelible pencil, ballpoint pen or typewriter. Please see instructions below on placing stop payments. You agree to hold the drawer harmless from the consequences of any unintended payment of the money order unless you have completed the form in its entirety.

Stop Payment Instructions

If you purchase a Personal Money Order ("PMO") and later decide that you do not want that PMO to be paid, you may ask that a "stop payment" be placed on the PMO. To "stop payment" on the PMO:

1. Notify any Bank of America Branch (preferably the one where you purchased the PMO) a reasonable period of time before the PMO is presented for payment (for example, if you give stop payment instructions one hour before the check arrives, we cannot guarantee that the PMO will not be paid);
2. Provide the branch with this Purchaser's Receipt with the "PAY TO THE ORDER OF:" filled in.
3. Complete and sign a stop payment order for which a fee will be assessed.
The stop payment will remain on our files permanently unless revoked by you in writing.

You agree to hold us harmless and to indemnify us against any losses, expenses, and cost incurred because of stopping payment on the PMO.

We also wish to advise you of certain responsibilities you may have in relation to payment of the PMO in question. If a stop payment order has been placed, you are liable for payment to any Holder in Due Course as defined under applicable law (includes any holder not having knowledge of this stop payment):

1. if the PMO has been endorsed to a third party, you may be liable for payment to the third party, or to any subsequent endorser.
2. if the PMO or other item has been cashed or otherwise processed through a Bank of America branch so as to make the bank a holder in due course, you are legally obligated for the amount of the PMO and we may charge your account at Bank of America, if you have one or take any other action necessary to recover the funds.

Receipt of a stop payment order by Bank of America does not insure that payment has not already been made on the item, in which case the order will not be effective.

Notice to Client: This purchaser's receipt is necessary to obtain reimbursement if check is lost or stolen. An indemnity bond may also be required.

PURCHASER'S RECEIPT

Ref# *408101153S

47 14-5497D 1-2001

Check Fraud Claim

1-800-317-6345

STATE OF WASHINGTON }
COUNTY OF } ss:

AFFIDAVIT OF SHEILA G. HENLEY

Sheila G. Henley, first being duly sworn under oath, says and deposes as follows.

I am a citizen of the United States, and competent to be a witness herein.

I am being accused by a Steven Baxter SIU out of Olympia, Head Quarters of conspriny with my brother a Vernon Veon Jackson to introduce contraband into Mcneil Island, a Department of Corrections.

As follows, my name was stated in a infraction that my brother received by Mr. Steven Baxter, while at Mcneil Island in December 7th of 07.

Mr. Baxter has stated that he over heard me and my bother talking about how a prison staff had picked up the money and how we were mad that the deal had not been completed by the prison staff.

During my conversation with my brother I or him never spoke about a staff member picking up anything from anyone, for sure not my self!.

I have not conspired with any one to bring in to any where, or be apart of any Illegal matters as stated that I was apart of in this mans statement.

I do not know of any staff having brought contraband into the institution at any DOC prison.

I have not aided or participated with anyone in bring contraband into the institution.

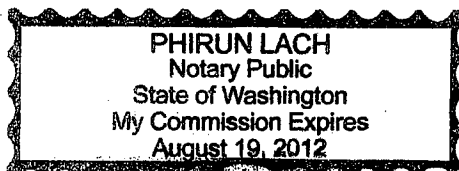
I declare under penlty of perjury, that the forgoing is true and correct to the best of my knowledge and belief. I have read and signed this affidavit on this 5th day of December of 2008.

Sheila G. Henley
Sheila G. Henley

Re-Jed
Affiant

Subscribed and sworn to before me this 15th
day of December, 2008

NOTARY



Washington
Notary Public in and for the state of
Washington residing at
My commission expires August 19, 2012

Attachment
DISCLAIMER

Investigative Note: Information was received from a confidential source stated that offender Vernon Jackson DOC# 283484 might also be involved in the receiving of contraband from CO Hopkins. During conversations overheard between offender Jackson and his sister Sheila Henley (former DOC offender #951670) it became clear that the two were in a business involving other offenders at MICC. These offenders either sent money direct to a PO Box in Yelm Washington (see attached PO Box application) or had family members send the money. This money amounted to hundreds of dollars as outlined in conversations between offender Jackson and his sister. During one conversation offender Jackson and his sister talked about money sent by Western Union and picked up by CO Hopkins. Later in the conversation they were upset about the deal because they had never received the merchandise. Conversations were also overheard between offender Grantham and his brother Robert. In one of these conversations offender Grantham told his brother to remember to get the "other" and make sure it was wrapped the way they had talked. This conversation also included talking about getting the coffee and dropping it off to the girl. When CO Hopkins turned over the contraband to HQ SIU a jar of coffee was included which contained marijuana. This delivery of contraband was dropped off by a man who had used Robert Grantham's phone number for contact and fit the description of Robert Grantham from his visiting application. Offender Grantham was infraacted for introduction of narcotics and offender Jackson was infraacted for introduction of tobacco. Both denied involvement when interviewed.

Evidence Collected:

Contraband Package One:

- One Jar of Folgers Coffee containing Marijuana
- Two (six oz) cans of Top Tobacco
- One Roll of Grizzly Chew Tobacco
- One Bag (16 Oz) of Gamblers Tobacco

Contraband Package Two:

- Eight boxes of Top Tobacco
- Two Rolls of Grizzly Chew Tobacco
- 5 packages of cellophane wrapped tobacco
- One can (6 oz) of Top Tobacco
- Five packages of rolling papers

Conclusion: Information and evidence received from CO Hopkins and subsequent confirmation by offender Swirczynski confirms the introduction of tobacco for profit to MICC. Both CO Hopkins and offender Swirczynski state that CO Hopkins made money bringing in contraband. CO Hopkins stated it was in the low hundreds of dollars and offender Swirczynski claimed it was in the thousands.

000001

Both CO Hopkins and offender Swirczynski acknowledge an emotional relationship however offender Swirczynski claims they had oral sex on at least 5 occasions. CO Hopkins denies any sexual contact. CO Hopkins training records show that she had been trained in PREA (see attached training records) CO Hopkins also bought a new Mustang GT costing over \$27,000 MSRP after this relationship and contraband scheme began. Other parties confirmed to have taken part in this introduction scheme were offenders Jackson and Grantham along with Jackson's sister Sheila Henley and Swirczynski's girlfriend Jennifer Balmer. CO Hopkins self-terminated on 10/24/07. This case will be referred to Pierce County Sheriffs Office for prosecution.

Attachments:

1. Photo of CO Hopkins and training records
2. Photo and face sheet of offender Swirczynski and statement
3. Photo and face sheet of offender Jackson
4. Photo and face sheet of offender Grantham
5. Photos and evidence forms for contraband
6. Photos of MICC B-Unit Laundry Room
7. PO Box Applications
8. Letters and notes from offender Swirczynski to CO Hopkins
9. Visiting Forms for Balmer and Grantham
10. Emails
11. Photo and face sheet for Sheila Henley
12. Photo of CO Hopkins new car and MRSP

give to CUS MR SEDAL of FIVE 16 PAS
 0201. This Person.



STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS

**INMATE'S KITE
 PAPELETA DE PETICION DEL RECLUSO**

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
VERNON VERN JACKSON		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
283484	F-B-22	11-8-07
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
To Mr. Van Boring Superintendent		

REASON / QUESTION RAZON / PREGUNTA
☐ Interpreter needed for (language). Necesito intérprete para (idioma).

Superintendent Mr. Van Boring I am in a
 under investigation concerning allegations
 that I may have conspired with inmates and
 or one of your female staff & people out in
 the community to bring tobacco drugs into
 prison which is not true I want to prove
 my innocence by being set up to take a LIE
 detector test please let me know if the
 Vernon Vernon Jackson

SIGNATURE / FIRMA	DAYS OFF / DIAS LIBRES
Vernon Vernon Jackson	
RESPONSE / RESPUESTA	
Thank you very much	

RESPONDER / PERSONA QUE RESPONDE	DATE / FECHA

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps

7123484 CUS. W. 2nd 10 P. 10
 10 P. 10 10 P. 10 10 P. 10 2 of 2 Kit



STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS

INMATE'S KITE

PAPELETA DE PETICION DEL RECLUSO

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
V. E. NON V. E. JACKSON		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
283484	1-B-22	11-8-07

DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE

To Mr. George Gilbert I am investigating on my

REASON / QUESTION RAZON / PREGUNTA
☐ Interpreter needed for (language) Necesito intérprete para (idioma)

① On this investigation did I conspire to bring tobacco into RECC with any inmate or staff?
 ② On this investigation did I conspire to bring all my drugs into RECC with any inmate or staff?
 ③ Did I conspire with anyone in the common cell to help me or anyone to bring any substance into RECC? ④ Did I have knowledge at what or where these things are brought in? or being brought into RECC? my only deal

SIGNATURE / FIRMA DAYS OFF / DIAS LIBRES

concerning anything was paying to bring in
 RESPONSE RESPUESTA
 I am not going to be tested to this I am not thank you

RESPONDER / PERSONA QUE RESPONDE DATE / FECHA

Distribution: WHITE/YELLOW-Response, YELLOW-Return to Offender with Response, PINK-Offender keeps

7123484 CUS. W. 2nd 10 P. 10
 10 P. 10 10 P. 10 10 P. 10 2 of 2 Kit



STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS

INMATE'S KITE

PAPELETA DE PETICION DEL RECLUSO

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
V. E. NON V. E. JACKSON		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
283484	1-B-22	11-8-07

DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE

To Mr. George Gilbert I am investigating on my

REASON / QUESTION RAZON / PREGUNTA
☐ Interpreter needed for (language) Necesito intérprete para (idioma)

Mr. Gilbert like I told you and that investigation for...
 This (B. E.) do not have anything to do with this Doc investigation concerning...
 I am not going to be tested to this I am not thank you

SIGNATURE / FIRMA DAYS OFF / DIAS LIBRES

concerning anything was paying to bring in
 RESPONSE RESPUESTA
 I am not going to be tested to this I am not thank you

RESPONDER / PERSONA QUE RESPONDE DATE / FECHA

Distribution: WHITE/YELLOW-Response, YELLOW-Return to Offender with Response, PINK-Offender keeps



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
MCNEIL ISLAND CORRECTIONS CENTER
P.O. Box 88900 • Steilacoom, Washington 98585-0900 • (253) 566-5281

November 21, 2007

TO: Vernon Jackson, DOC#283484
FB-22 *SDA for RUB*
FROM: Ron Van Boening, Superintendent

SUBJECT: INVESTIGATION/LIE DETECTOR TEST

This is a response to your correspondence regarding your placement in Administrative Segregation pending an investigation and your desire to participate in a lie detector test.

The Intelligence and Investigations Unit (IIU) will be in contact with you regarding the status and requirements of the investigation. A lie detector test may be in order, and if so, it will be coordinated by the IIU office.

Please direct your concerns to the IIU.

RVB:se:pb:07.0350

cc: Sheri Potcet, Associate Superintendent
William Swain, Correctional Unit Supervisor
George Gilbert, Chief Investigator
Central File
File

"Working Together for SAFE Communities"

"Very important that this get to him"
 concerning my hearing



STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS

**INMATE'S KITE
 PAPELETA DE PETICION DEL RECLUSO**

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
Vernon Lee Jackson		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
283484	F-11-11	12-7-07
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
To: L.T. Allen, Hearings Officer, WSCC		

**REASON / QUESTION
 RAZON / PREGUNTA**

☐ Interpreter needed for _____ (language).
 Necesito intérprete para _____ (idioma).

MR Allen Sir, I am Scheduled to see you on the 11th I am
 Requesting of the Hearings LT that he allows me to be placed
 in Waste Restraint. As I have a long "S.O." of material
 that I will be wanting to read on my behalf on my defense
 concerning the allegations on this infraction that I will be
 seeing you for, which deals with my life & my freedom.
 I'd also request the evidence against me, which is the
 "phone recording" stating that about how this "staff" had picked
 up the money I was mad that the deal had not been completed

SIGNATURE / FIRMA

DAYS OFF / DIAS LIBRES

**RESPONSE
 RESPUESTA**

by the "staff" This is the evidence against me & the
 for a fair and impartial unbiased hearing.
 I need for "you" to be able to hear these words with your ears!

Mr Jackson We have already had
 your hearing this morning at 8:00
 Tele. Recv. 1000 AM

RESPONDER / PERSONA QUE RESPONDE

DATE / FECHA

12-12-07

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps
 Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al recluso con respuesta, ROSA-Se le
 queda al recluso
 DOC 21-473 E/S (7/2003) OCO

Thank you
 MR LT Allen



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INMATE'S KITE
RAPELETA DE PETICIÓN DEL RECLUSO

(A)

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
VERNON DEON JACKSON		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
283484	1 A W	12-7-07
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
TO HARRIS AT THE ALLEN		

REASON / QUESTION
RAZON / PREGUNTA

☐ Interpreter needed for _____ (language).
Necesito intérprete para _____ (idioma).

Mr. Allen, Sir: I did not put this down on my request for witnesses as I got told by Sir Mike to have either be put together where STEVEN BAXTER is present or to be able to have him on the phone so to be able to confront my accuser. As this person is not a confidential informant so to be able to have him state those words he said he overheard me saying over the phone. Vernon Deon Jackson.

SIGNATURE / FIRMA

DAYS OFF / DIAS LIBRES

RESPONSE
RESPUESTA

from my hearing for it to be apart of the hearing record for a PRP action. Please advise this to the innocent of these charges. Thank you

RESPONDER / PERSONA QUE RESPONDE

DATE / FECHA

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps
Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al recluso con respuesta, ROSA-Se le queda al recluso
DOC 21-473 E/S (7/2003) OCO



JUL 17 2008

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

July 11, 2008

Mr. Richard Linn
12501 Bel Red Rd Ste 101
Bellevue, WA 98005-2509

Re: Vernon Jackson, #283484; copy of "all recordings of the conversations overheard by the reporting investigators."

Dear Mr. Linn:

The above recorded conversation is exempt from public disclosure under RCW 9.73.095(3)(d) and the following DOC Policy:

DOC Policy 420.450

The content of recorded conversations will be divulged only as necessary to safeguard the orderly operation of the facility, in response to a court order, or in the prosecution or investigation of criminal activity per RCW 9.73.095

If you do not agree that the information described should have been withheld, you may appeal the decision. Mail your completed appeal letter to:

Public Disclosure Appeal Office
Department of Corrections
P.O. Box 41103
Olympia, WA 98504-1103

If you need further help, please contact me at the address below.

Sincerely,

Jamie Gerken, Public Disclosure Specialist
Public Disclosure Unit
Department of Corrections
PO Box 41118
Olympia, WA 98504

jg:PDU-2821

"Working Together for SAFE Communities"





STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
PRISONS DIVISION
MCNEIL ISLAND CORRECTIONS CENTER

P.O. Box 88900 • MS: W7-01 • Stevedoom, Washington 98388-0900 • (206) 588-5221

January 3, 2008

TO: Jackson, Vernon, DOC#283484
FA-11

FROM: Ron Van Boening
Superintendent MICC

SUBJECT: REQUEST TO PRESERVE & PROTECT EVIDENCE

I received your letter dated December 13, 2007, regarding your request to preserve and protect the original recording involving an investigation conducted by Correctional Investigator Steve Baxter. I have met with Chief Investigator George Gilbert and instructed him to preserve any evidence he may have concerning your investigation.

RVB:pb:07.0375
cc: George Gilbert, Chief Investigator
Central File
File



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

July 18, 2008

Richard Linn
Law Office of Richard Linn, PLLC
12501 Bel Red Rd, Ste. 101
Bellevue WA 98005-2509

Dear Mr. Linn:

I have enclosed the responsive records related to your public disclosure request, PDU-2871. As you may recall, you requested DOC investigative records concerning statements by DOC staff member that she has been wired money for contraband to be introduced to MICC; specifically, any information linking Vernon Jackson (283484) to the money; during the time period of July to October 2007.

Please contact me at (360) 725-8219 or via email at bwlorentson@doc1.wa.gov, if you have any questions about the enclosed.

Sincerely,

A handwritten signature in cursive script, reading "Brett W. Lorentson".

Brett W. Lorentson, Public Disclosure Specialist
Department of Corrections
PO Box 41118
Olympia WA 98504

BL:PDU-2871

cc: File
Enclosure

"Working Together for SAFE Communities"

Baxter, Steven B. (DOC)

From: Gilbert, George G. (DOC)
Sent: Friday, October 19, 2007 4:32 PM
To: Baxter, Steven B. (DOC)
Subject: Information

Sensitivity: Confidential

Per my conversation with you concerning the calls:

INMATE: Vernon Jackson #283484

NUMBER CALLED: 425-228-6937

DATE of CALL: 10/16/2007 16:42hrs

During this call the offender (V. Jackson) is talking to a female about a money order. The female makes reference to checking a money and indicate it was cashed by Melissa Hoskins. The caller also states that she should file charges with the police. Jackson then puts another offender on the phone who tells her the inmate is in the hole. The female tells the offender to lay low.

George Gilbert
Chief Investigator
P.O. Box 88900 / MS: WT-01
Steilacoom, WA 98388-0900
McNeil Island Corrections Center
253.589.4490
253.589.4491 fax

Communication serves as the lifeblood of any organization and is especially critical in a prison.

DOC CONFIDENTIALITY: This transmission may contain confidential information protected by state or federal law. The information is intended only for use consistent with the state business discussed in this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying distribution or the taking of any action in reliance on the contents is strictly prohibited. If you have received this transmission in error, please notify the sender immediately at (253) 589-4490 to arrange for return, destruction or deletion of the transmission. Thank you and your cooperation is appreciated.

000002

WAC 137-28-300 Conduct of hearing. (1) The hearing officer shall ensure that the inmate is capable of understanding the charge against him/her, the nature of the proceedings, and is able to adequately take part in the hearing. If there is reason to doubt the inmate's understanding or ability, the hearing officer may order a continuance of the hearing in order to obtain additional information, refer the inmate to a mental health staff member for assessment, appoint a mental health staff member to represent the inmate at the hearing, or request a staff advisor.

(2) The inmate shall be present at all stages of the hearing except during deliberations and any inquiry the hearing officer may make concerning the source of confidential information.

(3) The hearing officer may consider relevant evidence presented outside the hearing when not feasible to present that evidence within the hearing. The inmate shall be apprised of the content of that evidence and shall be allowed to rebut that evidence during the hearing. An inmate may waive his/her presence at a hearing. Failure without good cause to attend a scheduled hearing may be deemed a waiver of personal attendance. An inmate may be removed from his/her disciplinary hearing and the hearing may be continued in the inmate's absence if the inmate's behavior disrupts the disciplinary hearing.

(4) Where institution staff members are witnesses against the inmate, a written statement from the staff member may be considered by the hearing officer instead of in-person testimony, except where the hearing officer determines that the staff member's presence is necessary to an adequate understanding of the issues in the case.

(5) The hearing officer has the authority to question all witnesses. The inmate may submit proposed questions to be asked of witnesses, but the hearing officer has discretion over the questions asked.

(6) The inmate shall be allowed to present witnesses in his/her defense and to present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals. Testimony of witnesses from outside the facility will be submitted in writing.

(a) The hearing officer may deny the admission of evidence or testimony if the hearing officer determines that the testimony or evidence is irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case.

(b) The testimony of witnesses that is adverse to the inmate may be given in person, in writing, or by telephone.

(c) The hearing officer shall document on the written record the reasons for denial of in-person testimony that is requested in writing by the inmate.

EXHIBIT 20

(7) If the hearing officer determines that a source of information would be subject to risk of harm if his/her identity were disclosed, testimony of the confidential source may be introduced by the testimony of a staff member. The confidential testimony may be provided by the source or by the written and signed statement of the source. If the staff member to

whom the source provided information is unavailable, the written statement of this staff member may be used.

(a) The hearing officer shall, out of the presence of all inmates and off the record, identify the confidential source, and how the testifying staff member received the confidential information.

(b) The staff member presenting the information from a confidential source shall identify the source and the circumstances surrounding the receipt of the confidential information to the hearing officer, off the record. The hearing officer shall make an independent determination regarding the reliability of the confidential source, the credibility of the information, and the necessity of not revealing the source of the confidential information. In determining whether the confidential source is reliable and the confidential information is credible, the hearing officer should consider all relevant circumstances including, but not limited to:

(i) Evidence from other staff members that the confidential source has previously given reliable information;

(ii) Evidence that the confidential source had no apparent motive to fabricate information;

(iii) Evidence that the confidential source received no benefit from providing the information;

(iv) Whether the confidential source is giving first-hand information;

(v) Whether the confidential information is internally consistent and is consistent with other known facts; and

(vi) The existence of corroborating evidence.

The hearing officer shall also determine whether safety concerns justify nondisclosure of the source of confidential information. The reliability and credibility determination and the need for confidentiality must be made on the record.

[Statutory Authority: RCW 72.01.090, 00-10-079, § 137-28-300, filed 5/2/00, effective 6/2/00; 95-15-044, § 137-28-300, filed 7/13/95, effective 8/15/95.]